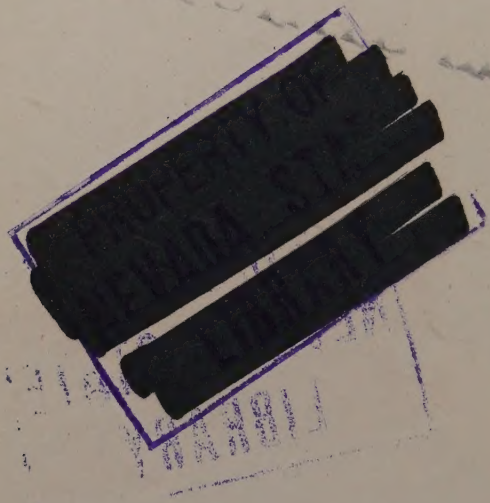

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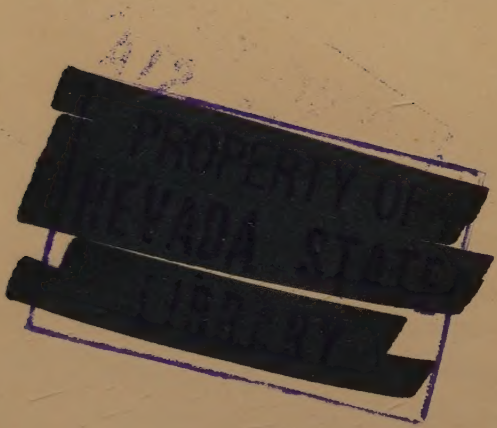

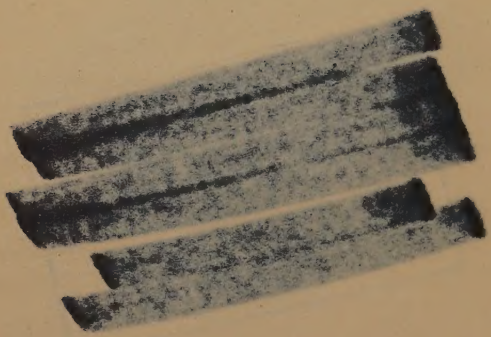

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INTRODUCTION.

This Society published in 1892 and 1896, as volumes IV and V of its series of Collections, the correspondence and documents covering the period of Joseph Talcott's governorship of Connecticut, from his being first chosen in October 1724, to his death in office in October 1741. This volume, with the others of the Law Papers which are to follow it, contains the correspondence and documents covering the period of the governorship of Jonathan Law, who upon the death of Governor Talcott succeeded to the office of Governor of the colony of Connecticut, and who was continued in the office until his own death in November 1750.

The originals of the greater part of the letters and documents here printed are in the archives of this Society; some are among the Connecticut State Archives preserved in the State Library; a number are among the Belknap and the Trumbull Papers preserved by the Massachusetts Historical Society, and a few are among the Chalmers Papers preserved in the New York Public Library (Lenox foundation).

Such of the manuscripts as are in this Society's archives are, with a few exceptions, contained in the series of five folio volumes lettered "J. Law Papers." Some forty or more years ago these manuscripts were arranged in a roughly chronological order, and mounted upon stubs ready for binding. They lay thus until 1903, when they were interleaved and bound, and lettered as follows: J. Law Papers, Vol. I,

1741–1747; Vol. II, 1744–1747; Vol. III, 1747–1750; Vol. IV, 1745–1749; Vol. V, 1741–1750. These manuscripts were received by the Society in December 1840, from Larned Hebard of Lebanon, Conn., administrator on the estate of William T. Williams, as a gift from the heirs of Gov. Jonathan Trumbull, Sr. the grandfather of Mr. Williams. They had formed a part of the collection of manuscripts relating to the early history of Connecticut which had been gathered by Governor Trumbull before the breaking out of the Revolution, and had remained in the possession of his descendants until transferred to this Society.

Other manuscripts here printed are from volumes in the Society's archives lettered "Roger Wolcott Papers," "Talcott Papers," "Agents' Letters," and "Council Orders," with a few documents not classed in any series.

The proof sheets of each document printed, excepting the few in New York and Boston libraries, have been compared by the editor with the original manuscript.

ALBERT C. BATES,
Chairman of the Publication Committee
and Editor of this Volume.

THE SOCIETY'S LIBRARY, OCTOBER 17, 1907.

SKETCH OF JONATHAN LAW.

"To LAW, great man, *Connecticut* must owe
More than to all the pow'rs, save GEORGE, below."

—(Anon. 1751.)

One hundred and fifty-seven years have passed since the death of the Honorable Jonathan Law of Milford, Governor of the Colony of Connecticut at the time of his death, and the twelfth person to be elected to that office. There is little that can be written of him after such a lapse of time except the dry official facts of his career, the personal details which lend interest to a biographical sketch having been for the most part covered by the dust of time and lost from sight. From the papers in this volume, however, many personal traits will emerge, even through the forms of official dignity and restraint.

The subject of these notes was born in Milford, Conn., August 6, 1674, the only son of Jonathan Law and his wife Sarah, the daughter of Deacon George Clark of the same town. The elder Jonathan was the son of Richard Law, an early settler of Wethersfield, whence he removed to become one of the founders of Stamford, Conn. The son Jonathan received a good education, being graduated from Harvard College in 1695, when he ranked eleventh in a class of twenty-two. This ranking indicates the social position of his family rather than the proficiency of the young man in his studies. Harvard conferred on him the degree of M. A. in 1729.

He is spoken of as "a youth of uncommon native ability and talent." His taste was evidently for the law, and he is said to have begun its practice in his native town in 1698. On September 11, 1698, he was admitted to full communion in the church in Milford. His name appears frequently on the records of Milford, where he was often chosen a member of various committees of the town.

Law is said to have been the architect of the second meeting-house in Milford, which was erected in 1727 and 1728, and was the house of worship of the First Church for almost a century.

Law's public and official life seems to have begun at the age of thirty-two, with his election to the General Assembly as one of the deputies or representatives from Milford at the session of May 1706. During this session he was appointed a Justice of the Peace for New Haven County. He was re-elected to the October session the same year, when he served as clerk of the House and received a grant of twenty shillings for that service.

In May 1708, the Assembly ordained that, except in his own case, no person should make any plea at the bar until he had been approved of by the court and taken a prescribed oath. Under this act, Law was admitted an attorney at the Court of Assistants held October 5, 1708. The same month he was established and confirmed as Ensign of the first company or train-band in Milford. This office he probably held for six years, and, excepting his formal position as commander-in-chief of the Colony's militia during his governorship, it seems to have been his only military office.

In May 1709, he was again elected a deputy from Milford; this time, for some reason not now

apparent, without a colleague. He was present at the extra session held the following month, and again served as clerk of the House. His later services as deputy were in May, and the special session of August 1710; and both the May and October sessions of 1715 and 1716. He was Clerk of the House in October 1715, and Speaker in May 1716, for each of which services he received a grant of twenty-five shillings. In October 1714 he was Clerk of the Assistants or Upper House.

In May 1709, and the two succeeding years, he was appointed a Justice of the Peace and of the Quorum for the county of New Haven, which made him an Associate Justice of the County Court. Perhaps because of his judicial position, he was one of the committee chosen to count the votes for Colony officers at the May election of 1710.

At this period the freemen of each town in the Colony met in September annually, and voted for twenty men to be placed in nomination for election the following May. The votes were laid before the October Assembly, and the twenty persons who were found to have the greatest number of votes were formally placed in nomination to be voted from at the election of the following May, and each town was notified of the names of the persons so nominated. In voting each April, the freemen of each town first voted for the Governor; and while it was not incumbent, it was the invariable custom to choose him from among those in nomination. Next the Deputy Governor was voted for from among the twenty nominated; and lastly from the remaining nominees twelve Assistants were voted for. The votes were returned to the May session of the Assembly and there counted, and those having the greatest number of votes for the respective offices

were declared elected. As twenty were placed in nomination and but fourteen elected, there must always have been a remainder of six disappointed nominees. There were few changes in the nominations and elections from year to year, the same names usually appearing in the same order of precedence, with perhaps one or two old names dropped because of death, or failure of election or of renomination, and a corresponding number of new names added at the foot of the list.

In May 1710, one Assistant who had been renominated the previous October failed of election, and was not again placed in nomination the following October. This gave opportunity for inserting a new name in the list of nominees, and Jonathan Law was placed last on the list. From this time he was annually placed in nomination until his death. It was not, however, until May 1717, that he first achieved an election as an Assistant, the last in the list of twelve. During these eight years Law made a steady advancement from the twentieth to the fourteenth position in the list. Four of these advancements were owing to the failure of Assistants of higher position than Law to secure a renomination after having failed of election; while three advancements seem to have been due to Law's personal popularity, which caused him to be placed higher in the list than others who had previously occupied positions above him.

Before his election as an Assistant, and as early as July 27, 1711, Law sat occasionally as a member of the Governor's Council, his office as justice and later as judge entitling him to that position. After becoming an Assistant he sat frequently as a member; and later as Deputy Governor and Governor he was a very regular attendant at the meetings of the Council board.

Since the seizure of New York by the English in 1664, the boundary line between that colony and Connecticut had remained in more or less continuous controversy; and the Assembly of Connecticut in October 1713, in May and October 1718, and again in May 1719, appointed commissions, of each of which Law was a member, to join with commissioners from New York to establish and mark the boundary line. Between the last two of these appointments, Law "being occasionally prevented from joining . . . in that service," the other commissioner was ordered by the Council (Law being present at the time) to proceed upon the business without him. But on none of these occasions did New York appoint commissioners to meet with those from Connecticut. In May 1718, Law was appointed to appear in the name of the Colony of Connecticut, as a "council" at Westchester, N. Y., to defend before the court there two men who had been resisted and abused "in the execution of their offices of constable and collector . . . within the limits of this Colony"—perhaps in the town of Greenwich, then claimed by both colonies.

In May, 1723, Connecticut, despairing of any action by New York, threatened to appeal to the king to force New York to appoint boundary commissioners, upon which New York agreed to appoint commissioners without delay; whereupon Connecticut in October again appointed a commission, of which Law was a member. But this effort came to naught because the two colonies could not agree as to what should be done; New York desiring only to re-establish the old boundary marks, while Connecticut claimed that the line should be re-surveyed and corrected. New York then sought and obtained from

the king the approval of an act that had been passed by her Assembly in 1719, representing that Connecticut would not join in running a boundary line, and permitting her to run the line *ex parte* between the two colonies. The following October (1724) New York gave formal notice that her commissioners would run the line between the two colonies the next April; and Connecticut once more appointed a commission, of which Law was a member, "to act in conjunction with them." An agreement stating precisely what was to be done on the occasion of this survey was drawn up and signed at Greenwich, April 29, 1725, by the commissioners of both colonies, Law being the first man to sign. It is only necessary to add that a partial survey was made the following month; but it was not completed, and the line between New York and Connecticut finally established, until 1731. It is worthy of note that with the exception of April 1720, when a new commission was named because the members of the former commission were "indisposed and incapable to attend that service," Law was a member of every commission named by Connecticut for the purpose of running and establishing a line with New York, from the beginning of the agitation in 1713 until the settlement in 1731, and was the only member thus continuously reappointed. The importance of this matter shows the high regard in which he must have been held, and the value placed by the Assembly upon his services.

After two years' absence from the bench of the County Court of New Haven County, Law was again called to that bench as Judge in May 1714, and there continued for five years. While serving as judge of the County Court, he was appointed a judge

of the Superior Court in May 1715 — the only instance, for twenty-nine years after the constitution of that court in 1711, of a person not the Governor, Deputy Governor or an Assistant, being appointed a judge on that bench. The following year, though a Justice of the Peace and a judge of the County Court he was not chosen to the Superior Court. But the next year, 1717, he was again appointed a judge of the Superior Court, and was annually reappointed until May 1725, when he was chosen Chief Justice of that court; a position that he retained by annual reappointment until his death.

As previously noted, Law was first elected an Assistant in May 1717, when he stood twelfth and last in the list of Assistants. At the next election, the Assistant next above him failing of election, Law advanced one position in the list. There he remained through annual elections until May 1722, when another failure of election advanced him to tenth position. The following year, 1723, owing to the death of one nominee and the failure of two others to be re-elected, Law advanced to the seventh position in the list of Assistants. The death of the Deputy Governor during the year advanced Law at the 1724 election to sixth place in the list of Assistants. Governor Saltonstall died in September, and at the October nomination Law was jumped from sixth Assistant, equivalent to eighth position in the list of nominees, to second position; and in May 1725, he was elected Deputy Governor. To this position he was annually re-elected for sixteen years, until upon the death of Governor Talcott in October 1741, he was called to the Governor's chair to fill the unexpired term. In May, 1742, he was elected Governor, and thereafter annually re-elected until his death.

Law's advancement at the nomination of October 1724 was a glowing tribute to his popularity and worth in the Colony; advancing him as it did over five Assistants, four of whom had been continuously in that office since before Law's first nomination in 1710, one of the four having served continuously since 1694.

That Law was a learned and shrewd lawyer is evidenced by the legal positions he was called to fill, as well as by the arguments drawn up by him and sent to England for the use of the Colony's agent in the appeal of Clark vs. Tousey. And it is apparent that Clark's kinship with Law (they were first cousins) made no difference in his view of that case or in his efforts in the Colony's behalf.

The Louisbourg expedition, with all the unpleasant consequences which seem inevitably to follow in the wake of a military campaign, provoked many and deep jealousies, stirred up the turbulent element in the population, and brought about a spirit of dissatisfaction and unrest. In this trying period Law governed with a strong and steady hand, remained calm and dispassionate, and advocated mildness in punishment but that none of the guilty should be spared.

The Assembly in May 1732, upon petition of a number of persons, incorporated these memorialists under the name of the "New London Society United for Trade and Commerce," for the purpose of carrying on trade and commerce and encouraging fishery. This society in August following began to issue quantities of bills, in close imitation of the Colony's bills of credit. It soon became apparent that the issue of these bills was likely to injure the Colony's good name and bring her into bad repute; particularly as there seemed to be but little value upon which to

base such an issue, and it was possible that the Society might be unable to redeem the bills. Accordingly, the Assembly was called together in special session on February, 15, 1732-3; the Society was cited to appear before it, and after a hearing, the act incorporating it was repealed, and arrangements were made for an issue of bills of credit of the Colony to redeem the Society's bills. Governor Talcott was visited by a "long and dangerous sickness" during the winter of 1732–1733, and was not present at the February session of the Assembly, Deputy Governor Law presiding in his stead. The sketch of Law accompanying his funeral sermon states that "the honor of suppressing the currency of the New London Society, that execrable business which would have disrupted the state, and ruined it, is due to his wisdom and watchfulness."

Governor Talcott, Law's immediate predecessor in the office of Governor, seems to have acted with much leniency towards the ecclesiastical controversies, the new religious views, and the preaching of the itinerants, which were securing a strong hold in some parts of the Colony. But with the advent of Law's governorship a change of policy appears. With a firm hand the itinerants were regulated or crushed, and stringent ecclesiastical laws were passed, which no doubt tended to the peace and welfare of the Colony—however hard they may have seemed to the Separatists, the Whitefieldians and others. Law belonged to the Arminian or "old-light" party, as opposed to the "new-lights," who looked upon these new laws as persecution.

A controversy over the calling and settling of a minister by a dissenting body of the church in Milford gave an opportunity, which was seized upon

by Law and his associates, for enforcing these new ecclesiastical laws to the letter; and in consequence the newly called minister was legally and perhaps forcibly evicted from the Colony.

In May 1734, the Assembly, for the purpose of encouraging the new industry, passed an act granting a bounty or premium on all silk grown and manufactured in the Colony during the next ten years. The grant was not renewed at the expiration of the period named. This act marks the beginning of an industry which, although perhaps never a successful one, was continued in Connecticut for a century. At his extensive farm near Cheshire, Law was one of the first in the Colony to plant mulberry trees and to introduce the raising of silkworms. In 1747 Law wore the first coat and stockings made of New England silk, and in 1750 his daughter wore the first silk dress of domestic material. For a specimen of silk cultivated by him and sent across the Atlantic he received an award from the British Parliament.

The October meeting of the General Assembly in 1750 ended its sessions on November first. The following day Governor Law, "having finished his official duties with his customary learning and care," returned to his home in Milford. The succeeding day he was taken ill, and after suffering greatly for three days he died of a strangury on November 6, 1750, in the seventy-seventh year of his age.

He was buried in the Milford cemetery, where a handsome table monument in the most elaborate style of that period was erected to his memory, and may still be seen.

The inscription on this monument was copied in 1784 by Ezra Stiles as follows:

Veri Literatura Integritate | et Regendi Arte

peritissimi | Jonathan Law Armig. | Colonæ Connecticuttensis | Gubernatoris | Qui ob. Nov. 6, 1750 ætat 77.

The inscription has evidently been renewed, for it now reads:

Jonathan Law | Governour of the | Colony of Connecticut | From 1742 to 1750 | He was born at Milford | August 6, 1672 | where he died | Nov. 6, 1750.

An error of two years will be noted in the date of his birth here given.

Ezra Stiles, a close personal friend and at that time the Senior Tutor at Yale, delivered a formal oration in Latin upon Governor Law in the hall of the college on December 12, 1750, which was published as a small quarto of 2 ff., 12, (3) pp., with the following title:

Oratio Funebris | Pro Exequiis celebrandis | Viri perillustris | Jonathan Law | Armigeri, | Coloniæ Connecticutensis | Gubernatoris consummatissimi; | Qui obiit Nov^bris^ 6^to^ Anno Salutis, 1750. | Ætatis 77^mo^. | Habita | In Aulâ Collegii Yalensis Novi-Portûs | Connecticutensium Nov-Anglorum, | Dec^bris^ 12^mo^ 1750, | Coram Præside et Academiæ Sociis | Quibusdam venerandis, | Reverendisque vicinarum Ecclesiarum Pastoribus, | Celeberrimâque doctorum Virorum | Corona. | Oratore Ezra Stiles A.M. | Academiæ ejusdem Tutore Seniori. | Sic transit Gloria Mundi. | Novi-Londini, | Excudebat atque Vendebat Timotheus Green, | MDCCLI. |

The last three pages consist of "An Address to Madam Law" in English by Dr. Stiles, she "being occasionally present at the House of the Reverend Mr. Clap" the day after the oration was pronounced.

The same year as the oration there was also issued anonymously at New London in small quarto form, 2 ff., 8 pp., a poem with the following title:

A | Poem | Occasioned by the Death | Of the Honourable | Jonathan Law Esq; | Late | Governor | of | Connecticut. | [Four lines from Pope.] | Printed in the Year, MDCCLI. |

Stiles in his funeral oration speaks of the Governor as follows:

"No one was more energetic, stedfast or faithful in the performance of duty. In discharging his office as judge, no flatteries seduced him, nor could he be swayed by the niceties and fine distinctions of word usage; he was moved only by the force of reason and the evidence of facts. As Senator and Governor he governed the State most excellently, studying the public welfare and advantage; and serving it with the greatest assiduity. Always fixed firmly in his mind was the motto: *Salus populi suprema lex esto.* He had ever the most just and reasoned view of public affairs and of his administration; the greatest necessities of himself, the people, or his friends would never allow him to step aside from the straight path of duty. His private life distinguished for its merits and virtues; incorruptible in character. What friend more witty and merry than he? What husband more kindly? What parent more affectionate? What relative more helpful?"

Prof. James L. Kingsley of Yale in a sketch written in 1847 says:

"Governor Law was unquestionably a man of high talents and accomplishments, both natural and acquired. He was well acquainted with civil and ecclesiastical subjects, and gradually rose, by the

force of his own exertions, to the highest honors of the State. He was of a mild and placid temper, amiable in all the relations of domestic life, and seems to have well discharged the duties imposed on him."

A manuscript poem in the Society's archives entitled "Observations on the several Commanders of the Ship Connecticut: Oct. 10, 1769," has the following verse regarding Governor Law:

"Our next commander, Jonathan,
Was deeply skilled in *Law*, Sir,
And as honest a man of that knavish clan
As ever appear'd at the bar, Sir.
He cleaned the Ship, mounted the guns,
And if I am not mistaken,
The very first cruise he ever made,
Proud Louisbourg was taken.
And this is what I have observed,
Of folks who've been new-lighting,—
Like Saracens, Saints Soldiers make,
And prove their faith by fighting."

The following brief memoranda of Governor Law's family may prove of interest here.

He married first, when twenty-four years of age, on December 20, 1698, Ann, the daughter of Rev. Joseph Eliot of Guilford. She was born December 12, 1677, and died November 16, 1703.

The children of this marriage were:

Jahleel, baptized January 7, 1699/1700; died August 2, 1701.

Sarah, born August 19, 1701; died June 18, 1717.

Ann, born August 1, 1702; married January 12, 1724/5, Rev. Samuel Hall of Cheshire, son of John Hall; died August 23, 1775. Their grandson, Samuel Augustus Foote, was governor of Connecticut in 1834.

His second wife was Abigail, daughter of Josiah Arnold, a member of the Rhode Island family of that name. They were married February 14, 1704/5; and she died December 14 of the same year.

One son, Jonathan, was born to them on December 5, 1705. He married Eunice, daughter of Samuel Andrew, Jr., January 11, 1737/8. Jonathan and Eunice were admitted to membership in the church in Milford August 31, 1741. They continued to reside in Milford, where several children were born to them, and where he died September 24, 1790.

His third marriage occurred on August 1, 1706, when Abigail, daughter of Rev. Samuel Andrew, the minister in Milford, became his wife. She died September 25, 1724.

Their children were:

Jahleel, born February 15, 1707; resided in Milford, where he died in 1781. He married Anna, daughter of Thomas Baldwin and widow of Richard Hollingsworth. One or more children were born to them.

Abigail, born March 12, 1709; married George Clark, Jr., of Milford. She died in 1743.

Samuel, born May 27, 1711. He was of unsound mind, and died in 1780, without having married.

Richard, born July 8, 1713, died September 12 of the same year.

Law's fourth wife was a widow, Sarah Burr of Fairfield, whom he married in 1726 and who died January 17, 1727, without issue.

His last marriage was in 1730 to Eunice, daughter of Hon. John Hall of Wallingford and widow of Samuel Andrew, Jr., of Milford, whose sister Abigail had been his third wife and whose daughter Eunice later became the wife of his son Jonathan. After

Governor Law's death his widow married Colonel Joseph Pitkin of East Hartford.

The children of this last marriage were:

Sarah, baptized March 28, 1731, died October 25, 1736.

Richard, born March 7, 1732/3, was graduated from Yale College in 1751. He settled in New London, where he practiced his profession of the law. He was called to many public offices — Representative, Assistant, Chief Judge of the County Court, Justice and later Chief Judge of the Superior Court, District Judge of Connecticut, Delegate to the Congress of the Confederation, Member of the Connecticut Council of Safety, Mayor of New London. On September 21, 1760, he married Anne, daughter of Capt. John Prentis of New London. Twelve children were born to them. He died January 26, 1806.

John, baptized September 28, 1735, was graduated from Yale College in 1753. He enlisted in the French war in 1756 in the company of Gen. Phineas Lyman, and served as the General's Aide-de-Camp and Secretary. In 1759 he was appointed Commissary for the Colony to reside at Albany, where after the close of the war he was kept in confinement, it is supposed because of mental derangement. He removed in 1770 to South Carolina, and on May 6 of that year he married in Charleston Mary, widow of William Glover. He died near that city on September 16 of the same year.

Sarai, born March, 1737, baptized January 8, 1737/8, married Rev. Seth Pomeroy, Jr., pastor of the Greenfield Hill church in Fairfield. They were the parents of two children. She died a widow, May 6, 1783.

Governor Law's mention in a letter of June 28, 1744, of "My Son Andrew," probably had reference to his stepson Samuel Andrew, the only son of his wife Eunice by her former marriage.

LAW PAPERS.

EXTRACT FROM THE RECORDS OF THE GENERAL ASSEMBLY, OCTOBER, 1741.*

This Assembly being informed of the death of the Honourable Joseph Talcott, Esq^{r},† Governor of this Colony: It is resolved, that the Assembly will proceed (as soon as may be) to elect a Governor of this Colony, to serve in that office until the annual election in May next, in the room of the said Hon^{ble} Governor Talcott, late deceased.

The Honourable Jonathan Law, Esq^{r}, is by this Assembly elected and chosen Governor of this Colony until the annual election in May next; and the Governor's oath, and the oath required by act of Parliament, relating to trade and navigation, were administered to his Honour the Governor in the presence of the Honourable the Members of the Council and House of Representatives.

* * * * * * *

Resolved by this Assembly, That Capt. George Phillips, commander of the sloop *Defence*, do, and he is hereby directed to attend and perform on board said sloop, (beginning about four of the clock afternoon, the 13th day of October instant,) the proper ceremonies and tokens of mourning on account of the death of the Honourable Joseph Talcott, Esq^{r}, deceased, late Governor of this Colony, to be interred about

* *Colonial Records, VIII, 416.*

† Governor Talcott died on the morning of Oct. 11, 1741.

the same time; and also the proper ceremonies and tokens of rejoicing in honour of the Honourable Jonathan Law, Esq^{r}, this day proclaimed Governor in the room of said deceased.

Resolved by this Assembly, That there be a sufficient quantity of powder prepared for the cannon on the green,* and that they be fired in due form and order at four of the clock after-noon, in token of mourning on the account of the death of the Honourable Joseph Talcott, Esq^{r}, our late Governor; and also the proper tokens and ceremonies of rejoicing on account of the choice of the Honourable Jonathan Law, Esq^{r}, Governor; and that Colonel Joseph Whiting be desired to order the performance of that affair.

JOHN LEDYARD† TO JONATHAN LAW.

GROTON 4‡ [ ]

[ ]*se y*[ ]*r Honour*

I have built two Vessels now Loading for England [ ] Enclosd is a Register for Each as y^{e} Act of Parlia[ ] has generally been understood to be well comply'd [ ] by the Registers being Sworn to before the King's Collector and as I have not any manner of business at Milford if your Honour on Considering the distance of y^{e} [ ] place and urgency of my Affairs in fitting out these Ves[ ] will indulge me so much as to Sign the Registers a[ ] Suffer that they may be Sworn to

* This session of the Assembly was held in New Haven, presumably in the Court House which stood on "the green". A sketch made in 1748 shows three cannon located on the green. *Blake's History of the New Haven Green.*

† See Talcott Papers, II, 334, note (*Collections V*).

‡ This date is no doubt 4 November 1741.

before y^e^ Collector I shall Receive y^e^ favour with much Thankfullness a[ ] readily pay your Honours dues the first Opportunity I beg leave with much Submission to Congratulate y^r^ Hon[ ] on Your Receiving y^e^ Chair of this Government & to Subscribe my Self with great Respect

Y^r^ Hon^r^

Obedi^t^ Hum^e^ Ser^t^

JOHN LEDYARD.

P S Should y^r^ Hon^r^ think proper to Sign the Registers please to Send 'em to y^e^ Collector by Return of Post

[Superscribed] To The Hon^e^ JONATHAN LAW Esq^r^ Milford Postpaid

GEORGE PHILLIPS* TO JONATHAN LAW.

MIDDLETOWN Nov^r^ 23^th^ 1741

*May itt Pleas your Hon^r^*

these p^r^ my son who will waite on your Hon^r^ in order to Gitt A Register for A Sloope he hath now Built &c

With submision I would take Leave to acquaint your Hon^r^ How the Affaires Stand Relating to y^e^ Coloneys Sloope Defence — in obediance to y^e^ actt of the Gen^ll^ Assembley† I made y^e^ best of my way in S^d^ Sloope from Newhaven to New London where I Arived in Less than Six Houers from one harbour to the other & with as Great Dispatch as I Could I

* See Talcott Papers II, 356, notes (*Collections, V*).

† The General Assembly in October, 1741, directed Capt. George Phillips to take the sloop Defence to New London, lay her up there, discharge his men and commit the sloop into the care of Col. Gurdon Saltonstall. *Colonial Records, VIII, 428.*

unridged S^{d} Sloope and Dischargd all the men* I have moard S^{d} Sloope Vp the Coue A Little aboue Coll^{o} Soltinstalls whorfe where she will Ley aflote and beleaue uary Secure from taking harme by Any wather I have Landed the Powdor there being fourteen Half barrills itt is putt in y^{e} Powdor house att y^{e} ffortt the Riging Sailes and all y^{e} War like stoars are securd on board y^{e} Sloope togather with whot Provision that is Left which is Six bar^{ll} of Pork about 20 bushell of pees in Casque and About 30 waite of tallow Left at Graccing her Bottom I am of y^{e} minde y^{t} itt might be best if ordors might be Giuen to haue y^{e} Provision Sold for itt will Groe wors with Lying and Espashally y^{e} Peese — With Hum^{bl} Regards is from your Hon^{rs} Most Obediant Hum^{bl} Ser^{tt} tto Comand—

GEORGE PHILLIPS

[Superscribed] To the Right Hon^{rble} Jon^{A} Law Esq^{r} Govenor of y^{e} Coloney of Conettecutt Living att Milford These By George Phillips Jun^{r}

[Indorsed] Cap^{t} Phillips Letter Nov^{br} 23 1741

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* The names of the men who served on the sloop, the date of discharge, and the number of days in service, are as follows:

Capt. Philips,	Oct. 20,	45	Hez. Wetmore,	Oct. 20,	45
Lieut. Wonter,	"	"	Partridge Bringhingham,	"	"
Master, Burnham,	"	"	W^{m} Landell,	"	"
Gunner, Mainwaring,	"	"	Stephen Chapin,	"	"
Boatswain, Anthony,	"	"	Aaron Chapin,	"	"
Carpenter, Breed,	"	"	Jonth Leeds,	"	"
Cook, Lewes,	Sep. 16,	12	Jn^{o} Peck	"	"
Mate, Cable,	Oct. 20,	45	Jn^{o} Cammell,	Sep. 11,	7
Jonth Hall,	"	"	Jos. Hapton,	Sep. 12,	8
John Coit,	Sep. 19,	15	Jn^{o} Veal,	"	"
Ed. Wells,	Oct. 20,	45	Elisha Wakely,	"	"
W^{m} Smith,	"	"	Jonth Cable,	"	"
Jn^{o} Brown,	Oct. 9,	35	Walter Griswold,	"	"
Moses Hood,	Oct. 20,	45			

Connecticut Archives, War, IV, 97.

VOTE OF THE GENERAL CONSOCIATION.*

At a General Consociation Conven'd at Guilford, Nov^{r} 24th 1741

The Rev^{d} Mess^{rs} Samuel Whitman, William Burnham and Benjamin Colton† were chosen a Committee to Present the Thanks of this Consociation to the Hon^{bl}^{e} the General Assembly in May next for their Goodness in Countenanceing and defraying y^{e} charge of this present Convention.

Test SAMUEL WHITTELSEY Scribe

RESOLVES OF THE GENERAL CONSOCIATION.‡

The Resolves of the General Conso[ciation, convened at Guilford,] Novb^{r} 24th 1741

This General Consociation having Sought to God by Prayer for his Direction & Guidance and freely Confer'd and Debated came unanimously to the following Resolves

It appears that there has for Some time past been a great and remarkable Work of God carried on in this Land and in this Government, that great Numbers of Persons cheifly of the lower and younger

* This Vote and the Resolves which follow were laid before the General Assembly which convened May 13, 1742, and accompany a letter to the Assembly.

† Samuel Whitman was of Farmington, William Burnham of Kensington, then partly in the town of Farmington, and Benjamin Colton of Hartford West Society.

‡ It may not be generally known that these Resolves were printed in 1825 as an appendix to a Sermon preached by Rev. Thomas Robbins at Manchester at the installation of the Rev. Enoch Burt, July 1, 1824. The manuscript in the State Archives is somewhat imperfect, and the missing words have been supplied in brackets from the printed sermon. The wording of the two copies differs slightly.

Sort have been awakened in an uncommon Manner to be concern'd for their Eternal Salvation, and Inquiring what they Shall Do to be Saved, And it is to be hoped, that a great many Souls have been brought Savingly to believe in Jesus Christ unto Eternal Life.

At Such a time it becomes the Ministers & People of the Lord Jesus Christ to Testify their Thankfulness & Praise to him for his wonderfull Mercy to a Sinfull People, who having been long highly favour'd with Distinguishing previlidges and having abused them are yet favour'd with Such a Glorious and Mercifull out pouring of his Holy Spirit.

As is natural to Expect in this corrupt and Dark St[ate of the] world, there are diverse [human weaknesses, imperfections and impru]dences, which have attended this great and [work, both in some] of the Instruments, who have appeared most Zealous to pr[omote it] and in Some, who we hope are wrought upon Sincerely to beli[eve in] the lord Jesus Christ, as well as in those under awakening and concern and there are also diverse Stratigems and Devices of Satan & Endeavours of his to deceive unwary Souls and to Impose on them and thereby throw a Blemish and Reproch on the work of God.

There ought to be great Care taken by People in the Choice of Ministers, that they get men of Learning, Wisdom and of Piety and ought to attend only on the Ministry of Such as are approv'd or allow'd by the Constitution of the Colony.

Ministers and Associations ought to be Carefull to licence Recommend or put into the ministry, none but Such as are men of learning wisdom and Prudence and as far as they can Discern men of

true Piety and Experimental acquaintance with Jesus Christ.

When Persons of this Character (according to a Judgment of Charity) are introduced into the Ministry by the Regular Choice of the People and Regular Ordination by the h[ands of] the Pr[esby]ter as hath been Practised in the Chu[rches of New England, they are lawful ministers of Christ e]ven if after all they Should Really [be] Uncon[verted] men

If any person Should apprehend this was the State of any Minister or other Public Person, tis not lawfull either Publickly to Declare Such a Judgment or privately to Insinuate the Same or Peremptorily to pronounce this concerning any one of them, nor undertake by open Censures and Seperations to Remove them and Reform the Church.

That Heresie, False Doctrine grossly Such Scandalous Sin and the unjust Imposition of Such Terms of Communion as Christ hath not made are the only just grounds of open Seperation, and that not till proper Steps are taken in order to A Regular Conviction

And in Case of Seperation or Seperations not so Qualified We advise the Several and Respective Consociations, within whose Circuit they may happen to take Cognizance of the Same and proceed therein according to the Constitution.

We know of no way to Determine of the Conversion of any [other p]erson, but from his Christian Profession, life and Conver[sation, on a particular informa]tion of his Experience of a work [of God on his heart], and to pretend to Judge thereof by any [part]ictular impression made upon a persons mind concerning another is unsafe and dangerous having no warrant in the word of God.

We are all agreed that the holy Scriptures are the only Rule of Faith and manners, and whatever inward impressions any person may pretend to as a Direction to Duty or Judgment which is not by and according to the word of God is an unsafe and fallacious ground of action and Judgment in Religion and Duty.

We approve of the Established Constitution in this Government both as to Doctrine and Discipline and purpose to abide by it and act in Conformity to it

That for A Minister to Enter into another Ministers Parish and Preach or Administer the Seals of the Covenant without the Consent of or in Opposition to the Setled Minister of y^{e} parish is disorderly

Not with Standing if a considerable Number of People in a Parish are desireous to hear another Minister Preach pro[vided] the [Same] be orthodox and Sound in the Faith & not notoriously [faulty in censuring other] Persons or Guilty of any other Scandle we think it Ordinarily advisa[ble for the minister of the parish] to Gratifie them by giving his Consent upon the[ir s]uitable [appli]cation to him for it unless Neighbouring Ministers Should advis[e] him to the Contrary.

That no Perticular Association or Consociation Shall Intermeddle or take upon them to act out of their own limits or precincts in the Affairs of another Association or Consociation without their Consent as to the Examination of Candidates or any other matter tending to disorder and Confusion

That in Voluntary meetings for Religious Exercises Endeavours be used that they may not Interfeer with the Stated Worship of families or with Civil order to the offence of any

We are Sorry to find that Some Persons are gone So far as to withdraw and Separate themselves from the Communion of the Churches, where they belong, having taken up an Opinion that their ministers are unconverted, whereby we think muc[h] uncharitableness is Encouraged, and hard thoughts and E[vil mur]murings among Profesing Christ[ians, which it is to be wished] might be Remedied by Gentle mea[ns, with the meekness and gentle]ness of Christ and we would Propose

1 That Such places and as many others as See Cause would keep a Day of fasting and prayer to Seek wisdom and Light from God to teach them their Duty and that he would not Suffer Satan to get an Advantage against them, nor by any other means Suffer the good work of his Grace to be hindred but would Powfully carry it on among them.

2 We would Earnestly Advise y^e^ Ministers of Christ and all Serious Christians to be united in Advising those who are under mistakes and prejudices to avoid Such Seperations & Divisions and to wait patiently on God for light and Direction And that all would be of a patient and forgiving Spirit bearing one anothers Burthens and So fulfill the Law of Christ.

And further to carry on this good work, which is Begun in the land, and to Remove & Prevent whatever may hinder it, We would Recommend it to the Several Associations to meet t[ogether] to unite their prayers to God for [this purpose, in their next stated meeting, or sooner if] they please and in their Assistance and Advice to one another that as far as possible they all may be One as Christ and the Father are One in promoting the great Designs of the Redemption of Christ

That the Thanks of this General Consociation be in Some proper method presented to the Honorable the General Assembly in May next for their goodness in Countenancing and Defraying the Charge of this Present Convention, and that the Committee Appointed to present the Thanks of this Consociation to the General Assembly do also Inform by an Attested Copy the Said General Assembly of the Doings of this General Consociation.

All the foregoing Articles and Perticulars were unanimously Resolv'd by this General Consociation and Concluded with Prayer.

Test SAMUEL WHITTELSEY Scribe

A true Copy of y^e^ Original on file
Examin^d^ p^r^ SAMUEL WHITTELSEY Scribe

GEORGE WYLLYS* TO JONATHAN LAW.

HARTFORD, Nov^r^ 27^th^ 1741

*May it please Y^r^ Hon^r^*

M^r^ Clark† who (says he) is going for England seemes desirous to purchase an £100 Sterling of the Governm^ts^ money there; which was ordered by the Assembly in October last to be disposed of, by the Treasurer &c, and intimates that your Hon^r^ is willing he should have it, but did not happen to recollect, that the Governors Order upon M^r^ Wilks was necessary in the Case; as the act shews, he is therefore att the Cost of this Express to Obtain such an Order; I have enquired of M^r^ Austin of this Town, who made up the Accounts of the Disbursements of

* See Talcott Papers, I, 211, note (*Collections, IV*).

† Samuel Clark of Milford, plaintiff in the suit against Tousey. See Talcott Papers, II, 87, note (*Collections V*).

the Government, relating to the Expedition to the spanish West Indies; and he informs me those Bills Cost 450 ℔ Cent: Advance, and by good Intelligence within these few Days from Boston I Learn that the best Bills are sold att that lay, if your Hon^r will please to Advise us, whether it may be best to sell an 100^ll of the money afores^d to this M^r Clark att that Advance; and shall think it proper and safe to draw an Order upon M^r Wilks (with a Letter of Advice) to pay him that sum, and Enclose the same to me by this Messenger wee shall deliver them to M^r Clark when he shall pay us down the Value thereof in our Currency according to the Rate afores^d otherwise carefully return the Order and Letter to your Honour. it will doubtless appear to your Honour that the Gov^t will gett nothing by selling their Bills at the price afores^d, if M^r Wilks should charge 5 ℔ Cent for negociating (as I believe he will) and 2½ ℔ Cent for honoring your Order with prompt payment if the money should not happen to be Actually in his hands, but perhaps they will not sell higher for a considerable Time and lying out of the use so long already, is no very small matter.

I am Y^r Hon^rs
most Obedient
Humble Serv^t
GEORGE WYLLYS

To the Hon^ble JON^TH LAW Esq^r

[Superscribed] To the Honourable JONATHAN LAW Esq^r Governor of the Colony of Connecticut Att Milford P^r M^r Jo^s Bigilow

[Indorsed] Sec^tts Letter for M^r Clark's 100^ll sterling

JONATHAN LAW TO FRANCIS WILKS.*

S^r

Pursuant to an Order of our Assembly in Octob^r last † You are hereby Ordered and Directed to receive of y^e Right honourable Henry Pelham Esq^r Pay Master Gen^l &c y^e Sum of six hundred sixty seven pounds three shillings Sterling for y^e three Bills of Exchange drawn in favour of this Goverment and accepted now lying in your hands. six hundred pounds whereof you are desired to pay to such person or persons or y^r Orders as y^e Govern^r shall from time to time order and direct and you are desired to accept of so much of y^e Residue as is sufficient to ballance y^e Colonies Accounts with you and what remains of y^e sixty seven pounds three shillings to keep in your hands till further Order from our Assembly.

And further you are hereby Ordered & Directed to pay to M^r Samuel Clark of Milford or his Order y^e Sum of one hundred pounds out of the afores^d six hundred pounds taking his Receit for y^e same

JON^TH LAW Gov^R

MILFORD Nov^br 30^th 1741

To FRANCIS WILKS Esq^r
Agent for y^e Colony of Coñecticutt

[Indorsed] A Letter and Order to our Agent for 100^ll to M^r Clark

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*See Talcott Papers, I, 199, note (*Collections IV*).

†See *Colonial Records, VIII*, 440.

LEWIS MORRIS JR.* TO JONATHAN LAW.

NEW YORK Nov^r 30^th 1741.

Sir/

I thought it my Duty to acquaint you of the method taken by the Governour of this Province and of the Jersies in granting Commissions to Privateers, which is by his Majesties Express orders. The Governour issues an order under the broad seal of the Province to the Judge of the Admiralty to make out a Commission and Instructions pursuant to the Kings orders in Council, upon which the Register makes out the Commission and Instructions, and fixes the Seale of the Court of Admiralty to Them, and the Judge Signs them; how far a Commission granted Otherwise is legal I Can't Say, I flatter my Self that your Honours Knowledge in the Law will induce you to take the most regular Steps in things of that kind, which was the only Motive of giving your Honour this trouble,

I am, Your Honour's Most
Obedient humble Servant
LEWIS MORRIS JUN^R

JONATHAN LAWS Esq^r

[Indorsed] Judge Morris's Letter Nov^br 30^th 1741

* Lewis Morris Jr., born 1698, died 1762, resided at Morrisania, N. Y. He was Judge of the Court of Vice-Admiralty at New York. His son of the same name was a signer of the Declaration of Independence. *Dexter's Yale Annals, Appleton's Cyclopedia of American Biography.*

THOMAS WENTWORTH* TO THE GOVERNOR OF CONNECTICUT.

Sir

His Majesty having directed me to use my best Endeavours to recruit his forces under my Command in his Colonys in North America I have appointed Cap^{t} Prescott Lieu^{t} Barker and Lieu^{t} Vryling to repair for that purpose to your province not doubting of your giving them all the assistance in your power to levy Soldiers not only for compleating Col^{l} Gooch's Regiment but, if practicable, to raise a greater number either to fill up vacancys in the two old Corps, and in the marines or to form another Battallion as it shall be found best for His Majestys Service.

As I have here no means of supplying the recruiting officers with money you will, Sir, be pleasd to give the aforesaid Captain Credit for such Sums as may be wanted for that Service and to draw upon the Right Honble Henry Pelham Esq^{r} the Paymaster General for the said use. As to the particular Sums to be paid to the said recruiting officer, I referr you to his Instructions which he will lay before you.

All such as shall inlist themselves on this occasion, will be intitled to the advantages offered by His majesty in his Instructions on first raising Col^{l} Gooch's Regiment. I don't doubt Sir but you will take the proper measures for their being transported hither, to support which charge, I flatter myself the respective provinces will make a provision as all his majestys Dominions in the West Indies are particularly interested in the Success of this Expedition.

I beg leave to assure you, Sir, that such young Gentlemen as shall give their assistance in raising

* Wentworth was commander of the British land forces in the West Indies. *Winsor's Narrative and Critical History, VIII, 292.*

men and shall be properly recommended, will be provided for in the vacancys which may happen in Col^{l} Gooch's Regiment. I shal, Sir, have a more particular regard to your friends being I am, S^{r}

Your most obedient
humble Serv^{t}

THO^{S} WENTWORTH

KINGSTON JAMACA 2^{d} ffebry 1741/2

The Honble the Governour of Connecticut

[Indorsed] Gen^{l} Wentworths Letter Feb: 2 1741/2

THOMAS WENTWORTH'S INSTRUCTIONS TO CAPT. PRESCOTT.

INSTRUCTIONS TO CAP^{T} PRESCOTT 2^{D} FEB^{R} 1741/2*

To Cap^{t} Prescott

1st You are required Without delay to repair to y^{e} Province of Connecticutt in North America Where as Soon as you Land you are to raise as Many Recruits for His Majesties Service as you Shall be able, With all Expedition.

2^{d} In inlisting Men you are not to take any exceeding 35 years of age, nor are you to inlist any Native of Ireland, unless you have undoubted proof of his being Protestant and of a Good Character.

* Whereas his Honour the Governor has laid before this Assembly [May 1742] a letter from General Wentworth and instructions to Capt. Prescott from said General Wentworth, referred to in said letter, both dated Kingston, Jamaica, 2d February *anno Dom.* 1741-2, respecting the levying of souldiers for the recruiting his Majesty's forces under the said general's command. . . . . *Colonial Records, VIII, 460.*

3 You are to apply to the Governour of Connecticutt for money to enable you to begin and Carrey on your recruiting and you may receive from him Four Pounds for Each man you Shall have raised Deducting the Sum you Shall have before received on accompt.

4 That No Encoragement may be wanting to Such Gentlemen as Shall be useful and assisting in Carrying on y^e^ recruiting I Shal, upon those Gentlemens entering as Volintears in the Service and upon your, and proper recommendations of y^e^ Said Governour; provide for Each of these as vacencys Shall happen in Col^l^° Gooches* Regiment.

5 You are to Subsist Such recrutes as you shall raise & to Stand to all hazard of Death or Desartion till they are actualy Imbark^d^ — of which no Less than 20 are to be put on board at one time — after they Shall be Embark^d^, they Shall be Subsisted at y^e^ Publick Expence and any Loss by death to fall upon the Regiment.

6 You are as often as Shal be practicable to Send accounts to the Commanding Officer of Coll^l^ Goochs Regiment to be Laid before me, of y^e^ Number of Men raised from time to time, and What prospect there May be of raising More.

7 Such recruits as Shall be raisd & Embarkd by you Conformable to y^e^ above Instructions Shall prosced from Connecticutt to Jamaica and are to Joyn the Army where ever they Shal be With all possible Expedition unless you Shal receive orders from me to the Contrary.

8 Lastly You are hereby authorized to Draw upon Alex^r^ Wilson Esq^r^ for What Pay Shall be

* See Talcott Papers, II, 266 (*Collections*, *V*).

Due to you during your Continuance in North America on y^e^ Service of Recruting Copy

THOMAS WENTWORTH

[Indorsed] Gen^l^ Wentworths Instructions To Cap^t^ Prescott (Copy)

JOHN WINSLOW* TO JONATHAN LAW.

To The Hon^bl^^e^ Jon^a^ Law Gov^r^ &c

*S^r^* Some time Since I wrote you p Lieu^t^ Barker who together with My Self & M^r^ Vryling were by Brigadier General Wentworth Sent to New England In order to Raise Recruits and Desirered your Assistance to him Agreable to my Instructions & orders which I Left with his Late Hon^r^ Governour Talcot. Am Very Sorrey for the It.† Success he Met with in your parts; & Cant but be of the opinion that had the Militia been raised agreable to his Desier as in Other Governments he had Met with better Fortune in y^e^ Service

I Must Tharefore Dessier your Hon^rs^ Further Favor in these Maters, and that you would give all the assistance (for his Maj^ty^ Service) in your Power to Cap^t^ Stephen Lee‡ A Gen^ll^ of your Collony in

* See Talcott Papers, II, 376, and note (*Collections*, *V*).

† Perhaps an abbreviation for "indifferent."

‡ Stephen, son of Thomas and Sarah (Kirtland) Lee, was born in Lyme, Jan. 19, 1698/9. He married, Dec. 24, 1719, Abigail Lord of that town, and there his thirteen children were born. She died Sept. 19, 1742, and he married, Jan. 25 following, widow Mary Picket of New London and removed to that town. He was appointed in 1729 Captain of a militia company in Lyme, served many times as a deputy from both Lyme and New London, and was a member of various committees appointed by the General Assembly. In the expedition against Louisbourg he was Captain of a company, and in the French and Indian War he served during the campaign of 1756 as Lieutenant-Colonel of the fourth regiment and Captain of the second company in that regiment. *Colonial Records*, *Caulkins' History of New London*, *Patterson MSS.*

whome I have repossed trust & Confidence & Impowered to Raise Men for his Majesty in your Government, & Must Earnestly Press that the Malitia may be raised In case Mr Lee Desires it, as knowing no other way In the Country Whereby his Majtys Service may be Forwarded, and I Presume ye Collony of Conneticut is the only Goverment in his Majestys Dominions that has Denyed it. I would also Desier that the Twenty Pounds Granted by the Goverment May be paid to the sd Mr Lee whose receipt for his Majtys use Shall be as Vallid as if Given by My Self. I am in Hopes to waite on your Honr Before My Leaveing the Country which will not be Long first

Am with Due Regard your Honrs Most
Obedient Servant
JNO WINSLOW

BOSTON, Febry 4th 1741/2

[Indorsed] Letter from Capt John Winslow Feb: 4th 1741/2

FRANCIS WILKS TO JONATHAN LAW.

LONDON, Februy 4th 1741/2

Sir

I was lately inform'd by Mr Samuel Clarke of the Death of the late Govr J Talcot Esqr, he also brought me a Letter sign'd by you, to pay him One Hundred Pounds on the Colony Account. I shall be very sorry if I have made any mistake in desiring Mr Clarke to wait for payment till I hear farther from you about it. I had not heard of Govr Talcots Death, nor had any Advice of your being chose to succeed him, the Letter Govr Talcot* wrote

* Talcott's letter to Wilks is in Talcott Papers, II, 354 (*Collections, V*).

to me when he sent the Bills on The R^t^ Hon^ble^ Henry Pelham Esq^r^ for £667.3.— orders me to observe the Directions of the Government for the Disposal thereof, Copy of which Letter I shall be glad you'l peruse, & send me the Council & Assembly's Order to pay such Drafts & follow such Directions as from time to time I shall receive from you. I shall be very desirous of recommending my Self to you, & hope my Conduct in this Affair won't be taken amiss but on y^e^ Contrary approv'd of by you, which I shall be glad to hear, & am

Hon^ble^ Sir

Your most Obedient humble Servant

FRA WILKS

The Hon^ble^ JONATHAN LAW Esq^r^

FRANCIS WILKS TO JONATHAN LAW.

LONDON February 12^th^ 1741/2

Sir

The foregoing I wrote some Days ago but the Ship not sailing as I expected gives me Opportunity to inform you that upon the best Enquiry I dont find that any Motion has been made about the New Commission, relating to the Affair with y^e^ Mohegan Indians.* I fancy M^r^ Mason designs to take it with him who talks of going with this Ship. I assure you nothing therein can be done before the Return of that Commission which I hope will be executed with care that no Objection may be made to that when it comes here.

* The warrant for the new commission is dated Jan. 8, 1741/2. *Governor and Company of Connecticut and the Mohegan Indians.*

Great Changes are like to be very soon in our Ministry here, S[r] Robert Walpole has quitted all his Posts & gone up to the House of Peers as Earl of Orford, My Lord Wilmington is head of the Treasury, many Alterations are soon expected but not yet fix'd. I shall write you again by another Opportunity, & am with Respect

S[r]

Yo[r] Hon[r's]

most Obedient Humble Servant

FRA WILKS

The Hon[ble] JONATHAN LAW Esq[r]

THE COLONY'S SECRETARY AND TREASURER TO JONATHAN LAW.

HARTFORD Feb: 17[th] 1741/2

May it please Y[r] Honour

Pursuant to the Act of Assembly in October last upon the Application of M[r] Daniel Lothrop* of Norwich wee have sold to him one hundred pounds Sterling of the Governments money in the hands of M[r] Wilks, and for the same have this Day received of M[r] Lothrop the Sum of five hundred & fifty pounds New England Currency, which wee suppose is att as high Exchange as the best Bills are now sold, and so if your Honour pleases an Order or Bills of Exchange may be safely drawn in M[r] Lo-

* Daniel Lathrop was a physician, surgeon, and importer of drugs. He had studied in London, and went abroad in 1743 to purchase drugs, medicines, and other goods. *Dexter's Yale Annals.*

throps favour on Mr Wilks, for the said one hundred pounds Sterling

Wee are

Yr Honrs most Obedient
Humble Servts
JOHN WHITING
GEORGE WYLLYS

To the Honble JONATHAN LAW Esqr Governor &c

[Superscribed] To The Honble JONATHAN LAW Esqr Governor of the Colony of Connecticutt att Milford ℔ Mr Danl Lothrop

[Indorsed] Secrt & Treasurer Letter on Lothropps Acct for 100ll sterling

JONATHAN LAW TO FRANCIS WILKS.

To Francis Wilks Esqr Agent for ye Colony of Coñecticutt

Pursuant to an Order of ye Assembly in October last att New haven

Having a Certificate from John Whiting Treasurer and George Wyllys Sect That Mr Daniel Lothrop of Norwitch had purchased of them one hundred pounds sterling of ye Colonies money in your hands

I do Order and Direct you Sr to pay unto the sd Mr Daniel Lothropp or his Order ye aforesd Sum̃ of one hundred pounds sterling of the money lodg'd in your hands

given under my hand att Milford this 20th day of ffebr 1741/2 3 Orders given

JONTH LAW Govr

THE COLONY'S SECRETARY AND TREASURER TO JONATHAN LAW.

HARTFORD March 11th 1741/2

May it please Your Honour

Wee have sold to Capt Thomas Hill of Fairfield the Sum of Two hundred and Eighty five pounds sterling of the Governments money in the hands of Francis Wilks Esqr in England and have this day received of Mr Thaddeus Hill therefor the Sum of one thousand five hundred sixty seven pounds Ten Shillings in Bills of Creditt, which is the Exchange att 450 ℔ Cent, and desire (if your Honour pleases) that the Gentn may have an Order or Bill of Exchange drawn in his favour upon Mr Wilks accordingly

Wee are
Yr Honrs
most Obedt
Humbl Servts
JOHN WHITING
GEORGE WYLLYS

To the Honble JONATHn LAW Esqr

[Superscribed] To the Honble Jonathan Law Esqr Governor of the Colony of Connecticut Att Milford pr Mr Thaddeus Hill

[Indorsed] Treasurer & Secttss Letter on Capt Hills acct for 285li Sterling

JONATHAN LAW TO FRANCIS WILKS.

To ffrancis Wilks Esqr Agent for ye Colony of Connecticutt

Pursuant to an Order of the Assembly in Octobr last att N. Haven

Having a Certificate from John Whiting Treas-

urer and George Wyllys Secr[t] That Cap[t] Thom[s] Hill has purchased two hundred and eighty five pounds sterling of the Colonies money in your hands

I do Order and direct you S[r] to pay unto the s[d] Thom[s] Hill or his Order y[e] afores[d] Sum of two hundred and eighty five pounds sterling of y[e] money lodged in your hands

3 Orders given

JON[TH] LAW Gov[R]

[Indorsed] An Order on our Agent for 100[ll] to M[r] Lothropp and also for 285[ll] Sterling to Cap[t] Thomas Hill

JONATHAN LAW TO FRANCIS WILKS.

S[r]

Yours of Sep[t] 22 1741 directed to our worthy Gov[r] Talcott who dec[st] in Octob[r] last have received by w[ch] I understand you had drawn y[e] money for our Bills of Exchange and prudently purchasd South Sea Stock to y[e] value of 500[ll] &c. Our Assembly thinking it a point of prudence to discharge the Debt they had contracted on themselves by emitting those Bills of Credit for his Maj[ties] Service Orderd six hundred pounds to be sold for that end one of w[ch] 100[ll] was accordingly sold to M[r] Clark another also to M[r] Lothrop for w[ch] I have drawn Orders upon your self

M[r] Clark is on y[e] Prosecution of his Appeal. I trust You will not be wanting in doing all that is in your Power to prevent a second Determination against our Intestate law, fram'd so agreeable to y[e] true State of our Countrey w[ch] as yet is but new and has populated much faster than neighbouring Prov-

inces where Discents have followed y^e^ Course of y^e^ comon law. I would remind you of the Massachusetts Case which may over ballance Winthropps (being of a later Date) if y^e^ foundation of y^m^ are the same Power of Legislation in both Charters are restricted to be Not contrary to y^e^ laws of England, in y^e^ Massachusetts Charter, a Negative or after Confirmation is reserved in y^e^ Crown, in ours a previous Confirmation and even a Warrantie is granted to all Acts &c done pursuant to y^e^ Authority given by our Charter thô my Lord Northey left it out of y^e^ Recital of y^e^ Authorities in our Charter in y^e^ Indian Oneco's Case

Of what Benefitt could a Confirmation be of the Massathusetts law* if their Charter by w^ch^ they were then existing and acting did not authorize them so to do

Again y^e^ late Act of Parliament determining lands to be chargeable with Debts in y^e^ Plantations as Chattells are in y^e^ hands of an Adm^r^ gives further Cause to suspect y^e^ Case of Leachmer & Winthropp to be poorly managed for the Reason of the Case and nature of the thing must be the same then as it was at the making y^e^ Act of Parliament w^ch^ is the very same in Effect as gave Winthrop all the Grounds he had for his Complaint in the Case

Certificates from all our Courts of Probats shewing all y^e^ Estates in this Colony being settled by that law ever since it was made w^ch^ I take to be in 1698, and divided among all the Children from

* The Massachusetts case referred to is that of Phillips vs. Savage Papers in this case are given at length in Massachusetts Historical Society's Proceedings, 1860–1862 (vol. V). See also Talcott Papers, I, 94, note (*Collections*, *IV*).

y^e^ very beginning of our first Plantation here together with Copies of y^e^ Reasons whereby y^e^ Distributions were made, were sent by Gov^r^ Talcott and I presume are lodg'd in your hands, that they might be ready when Occasion should require

I hope you will be admitted to be heard in favour of y^e^ Gov^t^ as y^e^ Agent for y^e^ Massachuset was, since it affects a law of this Gov^t^ thô M^r^ Dum̃er was denyd

Particular Customs is one of the Tryangles of y^e^ laws of England surely our law is not contrary to some of them

It has been frequently determind in y^e^ Kings Bench That y^e^ law of England extends not to y^e^ Plantations, but the law natural takes place there when they have none of their own see Salkeds Reports see Cases from Jamaica, Virginia

M^r^ Attorney gen^l^ and Solicitor in y^r^ Opinions given to y^e^ Lords of y^e^ board of Trade and by them sent to us for our Instruction on Intaild lands in the Plantations say that y^e^ law of England takes no place in y^e^ Plantations unless y^e^ same was made there and even then not as y^e^ law of England but as an Act of y^r^ own Legislature

And indeed how is it possible in y^e^ nature of the thing That that w^ch^ is limited with the four Seas should jump over y^m^

I believe no Instance has occurrd before nor since the Case from the Isle of Man w^r^in an Opinion was given in favour of that Conclusion That where ever lands are holden under y^e^ great Seal of England, Discents should always follow y^e^ Course of y^e^ Com̃on law

How then should he that claims land out of y^e^ Verge of y^e^ com̃on law maintain his claim by it.

To root up and destroy a Countrey by applying Rules w^ch^ never directed y^e^ matters of fact in y^e^ settlement of it is an Engine w^ch^ would destroy all humane Society

Almost every freeholder in y^e^ Gov^t^ possess lands more or less w^ch^ have passt as it were thrô the Loyns of younger Sons, and would be put out of their hands if every eldest Son might claim by the Rules of the coñon law of England. And new Countreys cant well be occupied or Defended w^th^out y^e^ Assistance of younger bretheren, who are more numerous in proportion than in old Countries ought therefore to be encouraged

M^r^ Winthropp is coming with a Complaint in some form or other against a Decree of our last Assembly for his payment of y^e^ money w^ch^ in his Complaint to y^e^ King and Council he declared himself always willing and ready to pay In consequence w^r^of so many Misfortunes have befallen us.

I doubt not S^r^ of your doing your utmost to avoid any further Mischiefs falling on y^e^ Gov^t^ on that Score

When any further Stepp shall be taken in Masons affairs hope you will give notice of it. M^r^ Sollicitor's Directions deserve to be remembered

Your good Acceptance of your last years Psallery will be an Encouragement to be honourable

from Your very humble Servant

J LAW

MILFORD March 13^th^ 1741/2

P S I have this day given 3 Orders for y^e^ payment of 285^ll^ to Cap^t^ Thomas Hill

J L

[Indorsed] Copy of a Letter to M^r^ Agent Wilks March 10^th^ 1741/2

JONATHAN LAW TO FRANCIS WILKS.

S^r

When I wrote to you on y^e 10^th^ of this Instant ℔ M^r Hill I confess I had not acquainted my self with yours of Nov^br^ 27^th^ 1740 to Gov^r^ Talcott just come to my hands in which you inform That its a ruld Case that on Appeals nothing can be taken Notice of, save that w^ch^ comes from y^e^ Records or files of the Court where the Tryal was had, so shaped my discourse as thô y^e^ same Rule was to be observ'd as was given in y^e^ late Comission att Norwich w^ch^ directed to y^e^ hearing any new Pleas Allegations, Evidences &c. but in Clark's Case vs Towsy I suppose y^r^ is nothing of Record or on y^e^ files saving y Writt the Plea w^ch^ was general, the Verdict of the Jury and y^e^ Judgment. It was my fortune to preside on that Tryal, and as my Memory serves me all matters of fact were conceded to on both sides and whether y^e^ eldest Son were Heir at law? was all y^e^ Dispute between y^e^ Parties. the Plant: alledgd That y^e^ Coñon law of England was the Rule to direct y^e^ Succession of Inheritances here, and quoted a Case out of my Lord Cokes Institutes resolv'd by y^e^ Court of Exchequer in Queen Elizabeths Reign ab^t^ y^e^ Isle of Man wherein it was Resolvd That lands holden under y^e^ great Seal of England should descend according to the Course of the Coñon law

To w^ch^ it was Replyd That y^e^ Coñon law had its proper Limitts and never extended to y^e^ Plantations and quoted a Case from Jamaica and another from Virginia out of Salkelds Reports wherein it was Resolvd in Banco R^is^ That y^e^ law of England extends not to the Plantations unless to an uninhabited Countrey and that y^e^ law natural or y^e^ law of

natural Equity must be y^e^ law there till the King declares his law there. And then alledg'd That K Ch. 2^d^ by Charter delegated to y^e^ Gov^r^ & Company an Authority to make any good and wholsome laws not contrary to y^e^ laws of England and said y^e^ s^d^ Gov^r^ & Company had made a law called y^e^ Interstate law and insisted That either that law was in force or y^e^ law of Natural Equity must take place.

To w^ch^ the Plant Replyd That y^e^ Interstates law was Vacated and Repeald by y^e^ King and Council and the law of Nature and Nations did acknowledge primogeniture And accordingly the Case was com̃itted to y^e^ Jury who brôt in y^r^ Verdict as you see

As for my own part I never found out any other way of proceeding than this If y^e^ Def^d^ took y^e^ gen^l^ Plea in any Case, a Jury was impañelld and then on y^e^ Parties conceeding to all y^e^ matters of fact layd in the Declaration they proceed im̃ediately to debate y^e^ Point or Points of law arising upon those facts and this alwayes Verboteims and never becomes matter of Record neither can it be filed

So S^r^ you see the Case is plain The Appellant Complains That he being eldest Son to his ancester is heir at law and is held out of his Inheritance

He setts himself up to be heir by y^e^ Com̃on law of England. And whether that dos extend here by Vertue of its being y^e^ law of England, may (doubtless) be fairly observd and debated without any thing more than what comes from y^e^ records and files of our Court. and this Comprises y^e^ whole Difficulty between y^e^ eldest & younger Sons or other children

Admitt y^e^ Com̃on law of England to be y^e^ law of y^e^ Plantations then none can be made there but in such Cases w^r^in y^r^ is no provision in y^e^ Rules

of that law, for no less Authority than y^e^ Parliament can alter y^e^ Coñon law

It was no ways suggested in y^e^ Act of y^e^ King & Council in vacating our Intestate law That y^e^ Coñon law was a Rule here directing y^e^ Succession of Inheritances, wherefore it was Presumption in us to make a law for that purpose when one was already made to our hands w^ch^ could not be altered by any lower Authority than y^e^ Parliament of great Brittain, but y^e^ Suggestion is, that we might make a law for that end were it not contrary to y^e^ law of England, w^ch^ is inconsistant with an Hypothesis that y^e^ law of England is our law.

And y^e^ Report of y^e^ Lords of y^e^ Board of Trade to his Maj^tie^ was (as I remember) that we should by no means be allowed to make a law to direct the Succession of Inheritances contrary to y^e^ Rules of the Coñon law, and whence should that Caution be if y^e^ Rule was already fixd by y^e^ Coñon law

Further my L^d^ Chanceller w^n^ he was King's Attorney & M^r^ Solicitor Talbott in answer to a Question in law put by y^e^ L^ds^ of y^e^ Board of Trade, in Consideration of our Case on Intaild lands in y^e^ Plantations Whether y^e^ heir might be barrd by fine and Recovery as in England, gave their Opinion That he could not unless y^e^ same law were made in the Plantation where the land lay and then it would not be by force of the law of England but because it was an Act of the Assembly where the land lay. This y^e^ L^ds^ of y^e^ Board of Trade orderd M^r^ Popple to transmitt to us for our Instruction, and what could we learn by it, this only accepted, That y^e^ laws of England dont extend to us and if we would have

any law of England to be our law we must make it our selves.

I would further add That y^e late Case of the Massachusetts is a Demonstration of this Principle Viz that y^e Coñon law dos not extend to y^e Plantations because, that Rule of y^e Coñon law could not have been altered by any lower Authority than the King and Parliament of great Britain. Its as reasonable to suppose it within y^e Authority of y^e Assemblies in y^e Plantations to repeal Acts of Parliament made for the Plantations as to repeal or alter any Rule in y^e Coñon law, provided y^e Coñon law extends to and is law in y^e Plantations. how then is it possible for my Kinsman* to shew himself to be heir at law by that w^ch is no law where y^e Inheritance lyes? I acknowledge I have usd my uttmost Endeavours to perswade our Assembly to make a law agreeable with y^e Coñon law, (to prevent such Debates) but could never prevail.

S^r I would only intimate to you, least my other Letter should miscarry, That I have signd Orders for your payment of 100^ll to M^r Clark 100^ll to M^r Lothrop and 285^ll to M^r Hill pursuant to an Order of our Assembly for y^e Sale of 600^ll in your hands to call in y^e Bills emitted for his Maj^tie^s Service. And Assure you that I am Your very humble Servant

JON^TH LAW

MILFORD, March 24^th 1741/2
To FRANCIS WILKS Esq^r

[Indorsed] Letter to our Agent and M^r Hancocks March 24 1741/2

* Sarah daughter of George Clark "senior" married Jonathan Law, father of Gov. Jonathan. *Savage's Genealogical Dictionary.*

JONATHAN LAW TO THOMAS HANCOCK.

S^r

Your favour for and faithfullness to this Gov^t of Coñecticutt in taking Care of our publick Letters in Gov^r Talcotts time and the Pleasure I had in a few Minutes Conversation with you att Rhodeisland, emboldens & encourages me to ask y^e Continuance of that Care of you at this time and accordingly have inclosd to you a Letter to our Agent M^r Wilks I subscribe

Your ffaithful friend
and humble Servant
JON^TH^ LAW

MILFORD March 24^th^ 1741/2

To M^r THOM^s HANCOCKS

THOMAS HANCOCK* TO JONATHAN LAW.

BOSTON April 5^th^ 1742

Hon^d S^r/

This Serves to Acquaint you that I Rece'd your favour this Day of the 24^th^ March, with a Letter Inclosed for Francis Wilks Esq^r, which shall be Carefully forwarded to him, by a Vessell of my Own which I hope will sail in about Six days, & will the first Oppertunity that offers & in any thing I may be Serviceable to you in, or to your Government, I pray you freely to Command me, & you

* Thomas Hancock was a prosperous Boston merchant. In his earlier years he had been a bookseller and binder. *Drake's History of Boston.*

may depend that your Directions at all Times shall be faithfully observed by your Honours

Most Dutifull & Obed^{t} Hum^{e} serv^{t}

THOMAS HANCOCK

To the Hon^{ble} Jon^{a} Law Esq^{r} Gover^{r} of Connecticutt

[Superscribed] To The Hon^{ble} Jon^{a} Law Esq^{r} Gover^{r} of His Majes^{ts} Colony of Connecticutt In Milford B 2/8

[Indorsed] M^{r} Thom^{s} Hancocks Letter April 5th

JONATHAN LAW TO FRANCIS WILKS.

Milford May 3^{d} 1742

S^{r}

I have been favourd with yours of y^{e} 4th and 12th of February last. have looked back on Gov^{r} Talcotts of July 4th 1741* in w^{ch} he sais gett y^{e} Bills accepted, draw y^{e} money, keep it for y^{e} Service of y^{e} Colony as they shall order and direct. Yours of 14th of y^{e} same month* informs that y^{e} Bills were accepted. y^{e} court did not observe his Direction for drawing y^{e} money as you will conjecture w^{n} you see y^{r} Act in October.† I was going to put this Copy now inclosd into my Letter ℔ M^{r} Hill but he said it would look too little so I forbore. whether Gov^{r} Talcott proposed to send you attested Copies of y^{e} Assemblies Orders or to have only certified it himself I dont know. I have been Gov^{r} Talcott's second from y^{e} begiñing of his Administration w^{ch} continued 17 years but perhapps you might never have

* See Talcott Papers, II, 354, 362 (*Collections, V*).

† This Act directs Treasurer Whiting and Secretary Wyllys to sell the bills and the Governor to draw his order on Wilks in favour of the purchases. *Colonial Records, VIII, 440.*

heard of me. mine ℔ Mr Hill if come to your hands. of your Care and Prudence in your Management satisfys you of my good likeance. by another in ye same month by Mr Hancock in his own shipp will show you how upon observing yours to Govr Talcott of Novbr 27 1740* I proposd in Clark's Case to shift ye Saddle and instead of taking ye burthen of supporting our Intestate law to put him upon maintaing ye Extent of ye coñon law into ye Plantations which seemd to me impracticable by wch only his Demand can be supported. I have not recd your Duplicate ℔ Capt Aves in wm it seems to me probable by what I hear, Mr Mason and Mr Cañer were imbarkt & some fear they have miscarryd. great changes are in the Court at home, hopefully for ye better. At least what is necessary for us to know hope you will inform as you hinted to me in yours of february last.

The Anti-prime-ministerial Coñett† which lately has appeard in divers parts of Europe has also shown his Tail here, whatever Influence that may have We have Occasion to observe as it once was in a better Cause‡ That the men who turned ye world upside down have also come here and much Industry has been used to confirm That Opinion Viz That temporal Dominion is founded in grace, and what ye Event will be must wait ye next weeks

* See Talcott Papers, II, 312 (*Collections, V.*)

† This comet appeared in the northeast on the 20th of February and remained visible for a month. At this period the appearance of a comet was almost universally considered as indicative of some great general calamity, or political or social overturn. In this case it was thought in England to presage the downfall of Sir Robert Walpole who was defeated in Parliament by the Pulteney coalition in January, and resigned in February. *Gentleman's Magazine; Diary of Rev. Daniel Wadsworth.*

‡ I. e. The original Puritan emigration.

Decision. What good Impreession Whitefield and Wessley's extraordinary Missions have upon y^e^ Spanish Quarrell should be glad to be informd. If further Occasion should offer for my Conversation with you by Letters I shall take all Opportunities to assure you how much I am

S^r^ Your assured ffriend and humble Servant
JON^TH^ LAW

P S Two things I have observd in my L^d^ Northey's Opinion which laid y^e^ foundation for Gov^r^ Dudley's Court on Owoneco's Complaint.* should be glad of your and M^r^ Sharps thôts upon it if y^e^ time be not lapsd for our taking Benefitt by it before y^e^ next hearing. the first is a Suggestion That at y^e^ time of y^e^ granting our Charter y^e^ Indian Sachem was in full Possession of y^e^ land, so nothing could pass by y^e^ Kings Grant to y^e^ Gov^r^ & Company. which if that were the Case surely y^e^ Instructions would have been to settle y^e^ Bounds between y^e^ Colony and the foreign Prince or Sachemshipp.

The other thing is. That y^r^ are in y^e^ Recital of y^e^ Powers granted in our Charter, no words exclusive of her Maj^tles^ erecting a Court in y^e^ Colony, and that is y^e^ only Reason suggested by him why her Maj^ty^ might lawfully do it.

Now if you compare y^e^ Recital with the Charter you will find these words in y^e^ Charter besides what are recited Viz And these our Letters patent shall be to all and every such Officers, Superiors and Inferiors from time to time for the putting y^e^ same Orders, Laws, Statutes Ordinances, Instructions and

* This court was held at Stonington in August, 1705. See Talcott Papers, I, 335 (*Collections, IV*).

Directions in due Execution against Us our Heirs and Successors, a sufficient Warrant and Discharge.

Had my Lord have putt these words into y^e^ Recital and then said, because y^r^ are no words exclusive of her Maj^ties^ erecting a Court, I must have believed on y^e^ Evidence of his Opinion that these words were not exclusive.

I never understood it to be criminal to plead to y^e^ Jurisdiction of any Court.

I esteem this y^e^ greatest Priviledge in our Charter and if all that we do be subjected to an Enquiry by Gentlemen of neighbouring Goverments our whole Administration will be very precarious

I therefore pray your Advise upon it

J L

To F Wilks Esq^r^

JONATHAN LAW TO THOMAS HANCOCK.

Milford May 3^d^ 1742

*M^r^ Hancocks S^r^*

Yours of the 5^th^ of last month I thankfully Acknowledge I am obligd to trouble you with y^e^ Care of another Letter to Esq^r^ Wilks, hope we shall reward you for your Care and trouble

I was not aware of M^r^ Wilks's expecting a Copy of y^e^ Act of this Gov^t^ with respect to his disposing some money of ours in his hands till I rec^d^ y^e^ Letter from him you sent me and have now inclosd it.

I remain S^r^

Your very humble Servant

JON^TH^ LAW

[Indorsed] Copy of Letters to Agent Wilks & M^r^ Hancocks May 3^d^ 1742

MEMORIAL OF PEQUOT INDIANS TO THE GENERAL ASSEMBLY.

To the Honourable General Assembly to be held at Hartford the Second Thirsday of may next.

The memorial of the Pequod Indians in Groton humbly Sheweth, y^{t} of late we have been much concern'd about our souls, & to know w^{t} we may do to please y^{e} Great God, who we are Sensible is very angry with us for our wickedness and drunkenness our Sabbath breaking & idleness & some of us we hope have believed on the Lord Jesus Christ. But our knowledg is but very little we want to learn to read the Bible and to have our Children learn to read it too, & thereby learn to know more of the Great God & what He would have us to do in this world y^{t} we may live with him in the next we are thankfull to your Honors for your Care of us in appointing men to take care of us & our lands from time to time. But those men your Honours employed last year tho honest men yet they live a great way from us & know very little of our affairs & upon y^{t} account are not likely to be so beneficial to us. We have been with Cap^{t} Morgan* & have desired him to declare whether or no he would undertake in case the General Court should See cause to make choice of him, & out of Love to us he says he will in case the Hon: Court Sees fit, we having it is to be hoped received much good from himself & his son y^{t} is under God, they have been beneficial to us, holding meetings with us almost every Sabbath evening to the Conviction & awakening of many.

* Capt. John Morgan; see Talcott Papers, II, 351, note *Collections V.* His son of the same name, at this time a Lieutenant, was later a Captain. *Morgan Genealogy.*

We desire likewise his son may be put in with him if the Hon Court please

we have chose a Schoolmaster who teacheth us with no small success & we desire a suitable supply for his maintainence

We the Interpreters being well Acquainted with the Indians did ourselves Interpret the above memorial to the Indians y^t^ are the Subscribers to this memorial & made y^m^ fully to understand the Same

Groton may y^e^ 5^th^ 1742

ISAAC GEER IN^R^

JOSEPH CROSSWELL

the mark of Simon o quom X
y^e^ mark of Charles Skawdawb X
y^e^ mark of little George X
y^e^ mark of George moitume X
y^e^ mark of Daniel Quoocheech X
y^e^ mark of w^m^ Tuppenass X
y^e^ mark of David Toby X
y^e^ mark of Simon Quocheech X
y^e^ mark of Sam^ll^ Oneco X
y^e^ mark of James Chunx X
y^e^ mark of Peter Chunx X
y^e^ mark of Simon oquom Jun^r^ X
y^e^ mark of Dan^ll^ Quocheech Jun^r^ X
y^e^ mark of old Saux X
y^e^ mark of peter Saux X
y^e^ mark of Sam Saux X
y^e^ mark of Long Peter X
y^e^ mark of Tom Cocheech X
y^e^ mark of old Toby X
y^e^ mark of John George Jun^r^ X
y^e^ mark of Joshua little George X
y^e^ mark of John Canjoe X
y^e^ mark of Daniel Nimrod X
y^e^ mark of Charles Skawdaub Jun^r^ X
y^e^ mark of W^m^ Skawdaub X
y^e^ mark of John Chunx X
y^e^ mark of Peter Coocheen X
y^e^ mark of Zach^ry^ Wauquandum X
y^e^ mark of Solomon Oneson X
y^e^ mark of Lewis Asquid X

y^e^ mark of Chaishocom X
y^e^ mark of Nezer Cawnump X
y^e^ mark of John Mezen X
y^e^ mark of Jeffery Mezin X
y^e^ mark of George Mezin X
y^e^ mark of Robin Mezin X
y^e^ mark of Cesar Mezin X
y^e^ mark of Little Samson X
y^e^ mark of Robincum linnament X
y^e^ mark of David TomheagX
y^e^ mark of Jonas Tomheagg X

[Indorsed] Memorial Pequod Indians May 1742

OWEN AND CROSWELL TO THE GENERAL ASSEMBLY.

GROTON, May, 6, 1742,

To the honourable General Assembly to be held at Hartford the Second thursday of May, next; We the Subscribers beg leave to Inform Your honours,

That we dwell Near to, and are well Acquainted with the Circumstances of the Pequod Indians living in Groton, who have (Not withstanding all Attempts to bring them to the knowledge of the Gospel of Jesus Christ) Remained in heathenish Darkness, Debauch'd in life and manners, and utterly Averse to all manner of learning, till about Eight months past, they have been Generally much concern'd about their Souls Deeply convicted of the Dreadful Sinfulness of their hearts, and a considerable Number of them, we trust, have been Savingly United to Jesus Christ. There are about 50 who constantly attend the preaching of the Word in whom there Appears an Uncommon concern about theire souls, a teachable Spirit and tem-

per, and a great Aptness to Receive light and knowledge — And they are Generally Reformed as to their beloved Sin of Drunkeness, and behave with an unusual Sobriety and Decency.

Above thirty of them are Much Inclind to Learn to Read, and take uncommon pains to Attain knowledge, but, their circumstances being So very Miserable that they are not (without help) able to Get learning; we would humbly Recommend it to Your Honours that Some care for this End may be taken of the Miserable Remains of the Pequod Savages; that the blessing of their Souls ready to perish, may come Upon You.

There are Upwards of an hundred of them in This Town — These things we humbly offer to Your honours Consideration; and as in Duty bound &c

JOHN OWEN
ANDREW CROSSWELL

SAMUEL WELLES* TO ROGER WOLCOTT.

BOSTON, May 13, 1742.

Sir,

I have heard your General Court would Probably chuse an agent in M^r^ F. Wilks's Stead pretty speedily, I was ready to think it was so supposed

* Samuel Welles was born in Glastonbury Dec. 24, 1689. He was graduated from Yale in 1707 and four years later was ordained pastor of the church in Lebanon. In 1719 he married Hannah Arnold of Boston, and in 1722 he relinquished his pastorate and removed to Boston where he accumulated much property. He was several times a representative to the General Court from Boston and seven times a member of the Governor's Council. For fifteenyears until his death, May 20, 1770, he was a Judge of the Court of Common Pleas for Suffolk County. He also served on a number of important committees and commissions. *Dexter's Yale Annals.*

for want of information in the present State of your affairs at home, which (in relation I mean to Mr Mason's controversy) is but newly come, & which I suppose you have or will before this comes to hand, hear of, viz^t that a comission has passed the Seals for a new hearing of that affair, & what Service an agent can be of, at present, in that affair, I cannot see, but if you Should nevertheless appoint an agent, & should think it best, to chuse a resident in London, Mr Christopher Kilby (whom this Province have appointed agent with Mr Auchmuty in the controversy with Rhode Island) seems to Stand very fair, & was recomended to me in the affair your son left with me in the winter as a man very industrious & well knowing & known at the several Boards & offices about Court

As the affair of chusing an agent is of considerable weight & must be followed with charges, I conclude notwithstanding what I hear as above, that nothing will be done about it suddenly if there ben't more occasion for one than I know of, & I hope my Interest & Relations among you will excuse my Intermeddling in this matter, I am

Sir

Your most hum^e Serv^t

SAMUEL WELLES.

To the Hon^ble ROGER WOLCOT Esq^r

[Superscribed] To The Honourable ROGER WOLCOTT* Esq^r In Hartford, By Mr Cushing.

[Indorsed] from Sam^ll Welles Esq^r May 15 1742

* Roger Wolcott, who for several years had been one of the Governor's Assistants, was elected Deputy Governor of the Colony upon the election of Jonathan Law to the governorship and continued in that office until his election as governor in November, 1750. Talcott Papers, I, 123, note (*Collections, IV*), *Colonial Records, VIII.*

THE GENERAL CONSOCIATION'S COMMITTEE TO THE GENERAL ASSEMBLY.

To the Honourable the General Assembly of the Collony of Connecticut, Convened at Hartford May 13, 1742.

May it please your Honours

The General Consociation Convened at Guilford Nov^{br} 24. 1741.* having deputed us to lay before this Honourable Assembly their resolves, with the thanks of this Convention for your great goodness in calling of them there, and defraying the charg of it.

And we cannot but observe with pleasure your great Wisdom & paternal care of these churches and tender concern for their good order, peace and Edification therein appearing: and humbly offer the resolves of this Consociation,† and with a gratefull sense of your abundant goodness the Thanks of the Convention to this Assembly — and shall ever pray that you may have the presence of god with you in all your Consultations: and that these Churches may

* This General Consociation meeting, "consisting of three ministers and three messengers from each particular consociation," was authorized by the General Assembly at its session in October 1741, to be held in Guilford, "the charge and expence for entertainment" to be born by the government; "this Assembly hoping that such a general convention may issue in the accommodation of divisions, settling peace, love and charity, and promoting the true interest of vital religion, for which there seems to be so general a concern among the people of this land." *Colonial Records.*

"This is historically (aside from any other significant features) a very interesting gathering; as being, under whatsoever variation of name, Consociation or Convention, precisely the old-fashioned and familiar Synod of New England history, and the last one to be called by civil authority." Rev. George Leon Walker in *Diary of Rev. Daniel Wadsworth.*

† These resolves are printed beginning on page 5.

have peace and vital piety may be yet more and more revived in them — and remain your [ ]
Your humble and obedient §

MEMORIAL OF NEW MILFORD AND POTATÜCK INDIANS TO THE GENERAL ASSEMBLY.

To the Honourable Generall Assembly Sitting In Hartford May Anno: Dom: 1742.

The Humble Memorial of Mowchu Cherry and others Hereunto Subscribeing Being Indian Natives of this Land Humbly Sheweth, that there are at New Milford, and Potatuck the Places where we Dwell about Seventy Souls of us, poor natives who are now Awakened many of us, to Se A necesity of Being Taught the word of God and the Gospell of Jesus Christ in order to obtain Eternal Life through Him; and now Humbly Crave the Care of This Assembly, that we and our Children may be Taught to Read: the English Tongue, and may have Some minister appointed to preach the Gospell of Jesus Christ unto us; and Instruct us in the Principles of the Christian Religion, and we allso Humbly ask as a Deed of the Highest Charity to uss that this Goverment will Bestow Something upon us to Suport Some person or persons in Teaching of uss and preaching to uss: that our Souls may not Perish for want of Vission in this Land of Light; and if its may be a means of Saveing any Soul of Uss, the Gospel which you are favoured with Assures You that You Shall not Loose Your Reward — and your Poor Petioners

§ The Committee appointed to lay the resolves before the Assembly consisted of the Revs. Samuel Whitman, William Burnham, and Benjamin Colton.

have hereunto put our marks in Hartford. may 13th: 1742.

his
Mowchu X
mark

his
John X Cokune
mark

his
Cheery X
mark

his
Job X
mark

his
Pukin X
mark

his
Peenees X
mark

his
Sam X Cherry
mark

his
John X Sherman
mark

his
Simon X
mark

his
Cong X
mark

his
John X Hatchet
mark

In ye Lower house, on ye above Prayer Col. Jos: Pitkin Mss Jeremiah Miller & Mr Samll Canfield are appointed a Comtt To Joyn Such Gentlemen as ye Upper house Shall Appoint to Consider of ye Matters prayed for in ye Above Memoriall, and Draw up and Report to this Assembly their thoughts wt may be most proper to be done on ye behalf of ye Memorialists

Test Jno Fowler Clerk

In the Upper House Ebenezr Silliman Esqr is Appointed to Joyn the sd Gentn of the lower House as a Comttee to Consider of the Matters prayed for in the Above Memorial &c

Test George Wyllys Secretv

New M: 30 Souls
Potatuck: 40*

*The General Assembly authorized a grant of twenty pounds for the Indians at New Milford and twenty five pounds for those at Potatuck. *Colonial Records.*

RICHARD WARD* TO COLONY OF CONNECTICUT.

NEWPORT May 25th 1742

Gentlen

I Am Directed by the General Assembly of this Colony, to write to Your Honours to Appoint a Committee on Your part, to Join with a Committee already Appointed by this Government, to erect a Large And Standing Monument at the Southwest Corner of warwick where it was formerly Agreed And Setled by Commissioners on both sides Several Years past in order to prevent the borderers from perplexing one another And waisting their estates by suing one another, in their Respective Colonys, to the great impoverishing Themselves And raising Disputes between the Colonys which this so resonable & just a Settlement will wholly prevent And give our fronteers Perfect tranquillity And quietude And Maintain An Amicable Correspondence between us; the Committee on our part Appoint the 24th Day of August Next to meet You at Mr James Reynolds's in west Greenwich in order to proceed on sd affare & will erect a monument at Sd South west Corner of warwick ex parte, if You Should Neglect to Send a Committee on Your part, as by the enclosed Uote of our Assembly, You will find our Committee Are the Honble William Greene Esqr our present Dept Govr— And Daniel Abbot Esqr: Your Concuring with us herein will Terminate All the Unhappy fuids

*Richard Ward was born at Newport, R. I., April 15, 1689; died there Aug. 21, 1763. Was engaged in commerce. He was Attorney-General in 1712–1713, Deputy and Clerk of the Assembly in 1714, Recorder from 1714 till 1730, Deputy Governor from May to July, 1740, and Governor of Rhode Island from July 15, 1740, till May, 1743. *Appleton's Cyclopedia of American Biography.*

Subsisting between us in profound peace to our Mutual benefit And sattisfaction

I Am Gentl[n]
-Your Sincere Friend
And Humble Seruant
R WARD

VOTE OF COLONY OF RHODE ISLAND AND PROVIDENCE PLANTATIONS, MAY, 1742.

Voted and resolved, that His Honor, the Deputy Governor and Col. Daniel Abbott, be a committee to join with a committee to be appointed by the General Assembly of the colony of Connecticut, in order to erect a large monument at Warwick south-west corner, in the line between this colony, and the said colony of Connecticut, in the same place that was settled and agreed upon by committees appointed by both said colonies, some years past;† and that His Honor, the Governor, or deputy governor, write to the government of Connecticut, desiring them to appoint a committee to meet our committee at said place, at such time as they shall appoint; and if it shall so happen, that no committee of said colony of Connecticut, do not meet our said committee, at the time and place, aforesaid, then they are to proceed ex parte, and erect a monument in the place above mentioned.

† The line had been previously agreed upon by commissioners from both colonies, Sept. 27, 1728. *Bowen's Boundary Disputes of Connecticut.*

THE COLONY'S SECRETARY AND TREASURER TO JONATHAN LAW.

May it please Your Honour

Pursuant to an Act of General Assembly in October last directing us to dispose of the six hundred pounds sterling in the hands of Franciss Wilks Esq^{r} belonging to this Government, wee have this Day sold to M^{r} Samuel Talcott* of Hartford the sum of one hundred and fifteen pounds of said Sterling money att the rate of 450 ℔ Cent advance and have received of him satisfaction Therefor, which with what wee have heretofore disposed of is the whole of said Six hundred pounds sterling, and desire if your Honour pleases that M^{r} Talcott may have an Order or Bill of Exchange drawn in his favour upon M^{r} Wilks Accordingly

Wee are
Y^{r} Hon^{rs}
most Obedient
Humble Serv^{ts}

HARTFORD June 21st 1742 JOHN WHITING
GEORGE WYLLYS

To the Hon^{ble} JONATH^{N} LAW Esq^{r} Gov^{r} &c

[Superscribed] To the Hon^{ble} JONATHAN LAW Esq^{r} Governor &c Att Milford

[Indorsed] Treasurer and Secr^{t}y Order for 115^{ll} Sterling June 1742

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* Samuel Talcott, son of the late Gov. Joseph Talcott, a graduate from Yale in the class of 1733, was a man of wealth and prominence in Hartford. He for many sessions represented his town in the General Assembly, and for a number of years was sheriff of the county. *Dexter's Yale Annals.*

JONATHAN LAW TO FRANCIS WILKS.

To Francis Wilks Esq[r] Agent for the Colony of Coñecticutt

Pursuant to an Order of the Assembly in October last att Newhaven

Having a Certificate from John Whiting Treasurer and George Wyllys Secr[y] That M[r] Samuel Talcott of Hartford has purchased one hundred and fifteen pounds Sterling of the Colonies money in your hands.

I do Order and Direct you S[r] to pay unto y[e] s[d] Samuel Talcott or his Order the afores[d] Sum̃ of one hundred and fifteen pounds Sterling of the money lodged in your hands, there being three Orders given &c

Given under my hand att Milford this 28[th] of June 1742

JON[TH] LAW Gov[R]

Copia

[Indorsed] Order On M[r] Wilks for 115[11] to Sam[l] Talcott.

DAVID WOOSTER* TO JONATHAN LAW.

New London July y[e] 1742

May it Please your Honour

I Have Rec[d] the Coloney Sloop Defence and In-

*David Wooster was born in Stratford March 2, 1710/11, and was graduated from Yale in 1738. In 1741 he was made Lieutenant of the Defence and her Captain the following year. He commanded a company in the expedition against Louisburg in 1745, residing in New Haven after his return. During the French and Indian War of 1755 to 1762 he served as Colonel during four campaigns. At the breaking out of the Revolution he was commissioned Major-General and soon after Brigadier-General. He served around New York and in the expedition against Canada. At

listed Twenty men Officers Included I have also got her Grav'd and her Decks and Upper works Cork'd which ware very Open & I hope to Git her Ready for a Caruze by the middle of next week if need Require. Cap^{t} Burnham being Ingaged on a Voyage to y^{e} West Indies Cant be Released As I am Inform'd to go in the Coloney Sloop therefore I have Shipt another man as Master at present I Cant Send your Honour a Coppy of my Commission Because it Is not Yet Come but Expect it Daly Two Capt^{ns} of Vessels Arriv'd here a few Days Ago who have been taken by a Spanish Privateer and they Suppose that She is now on Our Coast for they were Set att Liberty att the Western Islands† and the Commander told them that when he had Clean'd his Vessel he would Come on y^{e} Coast of New England they Say also that while they were on Board S^{d} Privateer they Came on Our Coast to y^{e} Latt: of 39^{d} 30^{m} wherefore if your Honour Sees fitt to send me out on a Caruze In a short time I should be Glad to have Orders to Inlist men from your Hon^{r} By the Next Post. wherefore haveing nothing further to add I Subscribe my Self Your Hon^{rs} Most Humb^{le} and Most Obed^{t} Serv^{t} To Command

DAVID WOOSTER

[Superscribed] To The Hon^{ble} Jonathan Law Esq^{r}
Att Milford Q D C

[Indorsed] Cap^{t} Woosters Letter July 1742

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the time of the invasion of Connecticut and the burning of Norwalk, Fairfield, and Danbury in 1777 he was killed by a British musket ball on April 27 while in action against the enemy. *Dexter's Yale Annals.*

The governor, probably acted upon the suggestions contained in this letter, for three months later Wooster is mentioned as the sloop's commander. *Colonial Records.*

† The Azores.

JONATHAN LORD TO RICHARD WARD.

Hon^ble S^r

Yours of the twenty fifth of may last Came to my Hands by the last Post Save one Long Since the rising of our Assembly. a Compliance with the Proposal of Your Assembly is Impracticable, without Calling an Assembly for that very purpose which Would be a vast Expence and trouble for So Small a Cause. You know Sir our Assembly is large and the Members very Remote from one another, Should therefore think it adviseable to Defer the Matter till our next Session in October is over at which time I make no Doubt of a Chearfull Complyance. I have Inclos'd a few Lines to Your Worthy Son M^r Thomas Ward and Would pray the favour of you to hand to him; Assuring Your Hon^r that I am a well Wisher to both Gov^ts and to Your Self

I take leave to Subscribe
Your Very Humble Servant
JON^TH LAW*

MILFORD July 1^st 1742
To y^e Hon^ble R WARD Gov^r of Rhodeisland &c

[Indorsed] Copy of a Letter to Gov^r Ward July 1^st 1742

*Upon this request the Rhode Island Government put off the date of meeting until Nov. 24 and informed Gov. Law to that effect. The Connecticut General Assembly in October appointed Hon. Roger Wolcott, James Wadsworth, and Timothy Pierce as a committee to meet the Rhode Island committee, and directed them to take Col. Humphrey Avery, a surveyor, with them to assist them. The Committees met on the day appointed; Rhode Island having in the mean time appointed a new committee consisting of Daniel Abbott, John Fry, and Ishmael Spink. They adjourned until the following day when "after a conference and some arguments used" the committees agreed upon the location of the corner and erected a stone to mark its position. *Connecticut Colonial Records*, *Rhode Island Colonial Records*.

MOHEGAN INDIAN COUNCELLORS NAMED*

It Being Now a Difficult Time with the Tribe of the Mohegan Indians and we being Informed that Sam[ll] Mason and his bretheren are about bringing Commiss[rs] by appointment of the King of Great Brittain To Redress Certaine Greivances which the s[d] Mason Informed the King we had Laid or Sent To him to Redress all which is falsly alledged by s[d] Masons and To the End that the Goverment of Connecticut may be Vindicated as To their Acts of friendship and Justices at all Times Towards me and my predecessors and the Tribes and that I may pursue the best Measures Thereto before the Commiss[rs] Court when it Shall Sett I have made Choice of the following persons in my Tribe for my Councell in this or Any other difficult matter

viz[t] Old wombaneage
Old Jo Py
Joshua Uncas
Zacheriah Johnson
Joshua Achham
John Uncass
Sam[l] Uncass
Simon Chawchaw
Sam[l] Py
Samson Achham
Ephraim Johnson
John Wombaneag

MOHEGAN July 1[st] 1742

his
Ben X Uncass
marke Sachem

I approve of the above Choice of Councellors as I am a Guardian or Agent To the Moheagan Indians

JOHN RICHARDS†

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*This document appears to have accompanied a memorial of the Mohegan Indians laid before the General Assembly under date of May 17, 1743.

†See Talcott Papers, I 131, note (*Collections, IV*).

ZACH. BOURRYAU TO JONATHAN LAW.

LONDON July 17th 1742

Sir

On ye 5th Instant my good Friend & Partr Francis Wilks Esqr dyed after a long and lingring Sickness, but I hope the Affairs of your Province will not suffer by it, as I have from time to time attended Mr Solicitor Sharpe (who is esteem'd ye ablest Man of his Profession) & laid your Letters before him, & shall continue to do so, & spare no Pains for ye Service of ye Province of Connecticutt till you are pleas'd to appoint another Agent, & should I be thought worthy of that honour I will readily accept of it & upon all Occasions endeavour to approve my Self.

Sir

Yor Honrs

most Obedient Servant

ZACH: BOURRYAU

[Superscribed] To The Honble JONATHAN LAW Esqr
Governor of Connecticutt New England

[Indorsed] Mr Bourryaus 1st Letter July 17th 1742

ZACH. BOURRYAU TO JONATHAN LAW.

LONDON July 23d 1742

Sir

I did my Self the Honour to write to you [ ] 17th Currt ℔ Capn Craigie in answer to your favours of ye 13th, 24th March & 3d May last to my deceas'd Partner Francis Wilks Esqr your late worthy Agent: vizt —

That Mr Clark has been admitted by the King in Council to an Appeal which the Lords here always allow as a thing of course where the Value of the Matter in Question exceeds £300 Sterling, & that the Lords of the Committee have appointed the Appeal to be heard at their first meeting in February next, Copies of which Orders would be sent by said Craigie in order to be serv'd on Mr Towsey, & assur'd you that I should not be wanting in using every Endeavour in my power to prevent a second Determination against your Intestate Law* & that I will make the strongest use of the Determination in the case of Philips & Savage† by which the Intestate Law from the Massachusetts was supported. But that I should have a great difficulty to encounter ye Determination of ye Council in ye Case of Winthrop & Lechmere, for tho' Mr Lechmere's Cause was very weakly & poorly manag'd, yet the Order made upon it was a Judicial Determination of the Council Board, which it will be extreamly difficult to overturn upon a subsequent Case. But I will omit no Endeavrs to do it & am not without some hope of succeeding in it, & you may depend on my making proper Application to be heard on the Behalf of the Government of Connecticutt, to get the Intestate Law restor'd & for that purpose I shall make the proper use of the Certificates from the Court of Probates sent over by [ ] Talcott, & which are all in our Solicitor Mr Sharpe's hands who will exert himself in ye Service. That as to

* The determination against the Connecticut intestate estates law was the decree by his Majesty in council dated Feb. 15, 1727/8, in the case of Winthrop vs. Lechmere. See Talcott Papers, I, 94, note (*Collections, IV*).

† See page 24.

y^e^ Opinions of the Attorney & Solicitor General you mention & y^e^ reasonings you ground upon them, I fear you are mistaken, for I think (& so does M^r^ Sharpe) that those Opinions are confin'd to y^e^ Statute & do not extend to the Common Law of England, for that it has always been understood here that the common Law of the Land extends to all our Plantations, & that the People there are equally intitled to it as the People here, as their common Birthright, & that all y^e^ Acts of Parliament pass'd here Prior to the Settlements in America extend there, But no Act of Parliament pass'd here subsequent to y^e^ said Settle[ ]bind or affect the Plantations unless they are particular[ ]med in them, & that this is y^e^ Distinction taken & laid down in the Opinion of the Attorney & Solicitor General as well as in y^e^ Cases mention'd in your Letters. But if M^r^ Winthrop makes any such Complaint as you mention or any other that may affect y^e^ Colony I will give it my utmost Attention & use every Endeavour in my power to defeat him in it.

With Regard to M^r^ Mason's Application in relation to the Rights of the Mohegan Indians nothing more can be done here in that Affair till a Return is made from Connecticutt of the last Commission,* but upon such return I will make y^e^ proper use of your Observations on y^e^ Charter (w^ch^ are very good) as well as of every thing else, that may tend to the clearing up of that Affair in which I have no doubt

* "The last Commission," here referred to, is that given under the great seal of Great Britain and dated Jan. 8 in the fifteenth year of the reign of George II [1742], by which a Court of Commissioners was appointed to reopen and review the controversy between the Governor and Company of Connecticut and the Mohegan Indians, who were represented by John and Samuel Mason, their guardians.

but that I shall be able to support and maintain y^e^ just rights of the Colony.

I also made a tender of my Service to be their Agent in y^e^ room of my Deceas'd Friend, which should esteem a very great honour. I likewise made a tender of mine & M^r^ Schaffer's Service to yo^r^ Hon^r^ & friends in y^e^ merchantile way, & inform'd you your Drafts on our late Partner F. W: were duly honour'd, & with very great Respect, I am

Sr

Yo^r^ Hon^rs^

most Obedient Servant

ZACH. [BOURRY]AU.

The Hon^ble^ JONATHAN LAW Esq^r^

[Indorsed] M^r^ Bourryaus Letter July 23 1742

THOMAS FITCH TO ROGER WOLCOTT.*

NORWALK July 27: 1742

S^r^

I have been to New York Even a Second time (the first time I went y^e^ attorneys were gone to Albany) I have Retained M^r^ Murray and M^r^ Smith† and one at Least to attend y^e^ Court Extraordinarys Excepted, M^r^ Alexanders‡ opinion I could not have

* Wolcott, Fitch and Joseph Fowler were among those appointed Agents of the Colony in the Mohegan case by the General Assembly in May, 1742. *Colonial Records*. See also Talcott Papers, II, 184, note (*Collections*, *V*).

† William Smith was born in England and came to America about 1715; was graduated at Yale in 1719; was a lawyer of prominence in New York. He was for a year attorney-general and advocate-general, later he was a member of the council for fourteen years and an associate justice for six years. *Appleton's Cyclopedia of American Biography.*

‡ James Alexander was born in Scotland and came to America about 1715. After serving as surveyor-general of New York and New Jersey he studied law and became eminent in the profession in New York. He held many public offices, served in the legislature and council, was attorney-general and secretary of the province. *Appleton's Cyclopedia of American Biography.*

because he is one of y^e^ Jersy Council therefore I Retained M^r^ Murray, Mason has been with both those attorneys to Engage them but failed. things seem at present to Look Something favourable, tho when y^e^ court will Set and where and who will attend I cannot yet tell but I have Laid in with those Gent. and Col. Morris to use their interest in those points in our favour, its tho't that the Court will be in September but its uncertain. Mason has Left y^e^ Commission with M^r^. Horsemenden of which he has promised a Copy and I conclude our Council have it & I expect one this Day. Our attorneys at York could not give me much of their advice for want of a State of y^e^ Case at Large and therefore insisted upon it y^t^ Should be Prepared and Sent them as Soon as May be therefore you will Either trust me to Draw it and then I must have those papers at Hartford which we had in May which I have not Received as well as others or Else I conclude Your Hon^r^ will order M^r^ Fowler to meet me at New Haven or some other place to assist. for he knows y^e^ case better than I do Else we must all meet about y^e^ Matter which your Hon^r^ thinks best. I would therefore pray you as soon as may be to take y^e^ proper care in one of these or Some other way for y^e^ Drawing a State of y^e^ case for not much time may be Lost. I am with all Due Regards to your Hon^r^ your Hon^rs^ most

obedient Humble
Servant
THO^S^ FITCH

The Honourable ROGER WOOLCOT Eq^r^

JOSIAH WILLARD* TO JONATHAN LAW.

Sir

His Excellency our Governour directs me to acquaint your Honour with a notable Discovery made here, of a Quantity of unsigned Counterfeit Bills, in Imitation of the Bills of your Colony, which with the Plates from which they were struck we seized in the Hands of one Robert Neal, who is committed to Goal; A Specimen of the Bills is herewith inclosed

His Excellency orders me likewise to inform your Honour, that he has Advice of two Spanish Privateers crusing on the Coast of New York; Upon wh^ch^ he has ordered out the Province Snow to go in Quest of them.

I am Sir

Your Honour's most obedient humble Servant

JOSIAH WILLARD

BOSTON Aug^t^ 26, 1742

[Superscribed] On his Majesty's Service To the honourable JONATHAN LAW Esq^r^ Governor of the Colony of Connecticut at Milford B 5/4

THOMAS HANCOCK† TO JONATHAN LAW.

BOSTON Sept^r^ 20^th^ 1742

Hon^d^ Sir /

Inclosed you have what you Desired me to procure of M^r^ Waldo, Likewise a Letter I Rece'd from London

* Willard was at this time Secretary of the Colony of Massachusetts. See also Talcott Papers, I, 59, note (*Collections*, *IV*).

† See Talcott Papers, I, 373, note (*Collections*, *IV*).

Since you left Boston, And Suffer me S^r^ once more to Recommend to you Christ^o^ Kilby Esq^r^ as a very Suitable person for you Agent at the Court of Great Britain. I have a letter from him by the last Ship, wherein he writes me Viz. A Dispute is Like to come on upon the Intestate Law of Connecticutt, at the Suit of one Clark who has obtained an Order of Council for an Appeal. I Really think it very Necessary that you have some proper person Imediately to Appear for you there, & one advantage you'l have in the above Gent^n^ which you cant have in any one Person that its likely you may Choose, & that is this, he is well acquainted in affairs at Court as he has been Several Years Employed in the Agency for us, Knows how where & [ ] to Apply, & can do it with much less Expence to [ ] any other Gent^n^ who has not had the Same Experience in the Same Employ, & much Greater Probability of Success, and I will be bold to say no one person will attend your Commands wit[ ]e Industry, faithfullness and Integrit[ ] I Conclude Hon^d^ S[ ] with offers of [ ]

[ ] most Obed^t^ humble
Serv^t^

THOMAS HANCOCK

To The Hon^bl^e^ Jon^a^ Law Esq^r^ Gov^r^ of Connecticutt

[Superscribed] For The Hon^bl^e^ Jonathan Law Esq^r^.
Boston 26/8

[Indorsed] M^r^ Hancocks Letter Sept^br^ 20 1742

BENJAMIN COLMAN* TO JONATHAN LAW.

BOSTON, Sept. 23. 1742

Sir,

It was an agreable Hour I had with your Honour at Boston ye last Week; I hope this wil find You well at Home & in your Government. Since you left us we have the News from London of y^e^ Death of M^r^ Wilks, your & our Agent. I have a Letter from D^r^ Benjamin Avery† (Doctor of Law) Chairman of ye Committee for the dissenting Churches, which gives me ye following Account of M^r^ Eliakim Palmer‡ Merchant in London, a most worthy Son of New England; which I think it my Duty to communicate to Your Honour, to use as you shal think Good for the Service of Your Colony, whose Weal I have at Heart next to that of our own Province.

* Rev. Benjamin Colman, born in Boston, Mass., 1673, died there 1747. After graduating from Harvard he spent four years in England, where he became acquainted with many non-conformist divines. Returning in 1699 he became the minister of the newly formed Brattle Square Church in Boston, and so continued until his death. He was a man of standing and influence, and both himself and his church were very liberal in their religious views. *Appleton's Cyclopedia of American Biography.*

† Dr. Avery was originally a presbyterian minister, but quitted the ministry and practiced medicine. He was prominent among the dissenters. *Dictionary of National Biography.*

‡ Eliakim Palmer, born in Boston March 22, 1707/8, and baptized the 28th of the same month at the church in Brattle Square, was son of Thomas Palmer and his wife Abigail Hutchinson. Thomas was a merchant and one of the founders of the Church in Brattle Square. Abigail was daughter of Eliakim Hutchinson, who was a resident of Boston, although born in England, and a cousin of Col. Elisha Hutchinson. Eliakim Palmer was at this time one of the three Massachusetts agents for the proprietors of the New Hampshire townships; was also acting for Jonathan Belcher Jr. and Col. John Vassall. *Massachusetts Historical Society, 5 Collections, VI, and 6 Collections VII; Boston Record Commission, 24 Report; Savage's Genealogical Dictionary; Records of the Church in Brattle Square.*

Dr Avery's Letter to me bears Date, May. 3. 1742. & the Paragraph respecting to Mr Palmer runs thus,

"I have an intimate Acquaintance with Mr Palmer, and shal alwayes endeavour to cultivate a particular Friendship with him. I very much value & esteem him, & think him truly concern'd for the Prosperity of New England; & so situated as to be able to promote it beyond any other Person whom I know in this Country. He is happy in the Confidence of the Dissenters, & allyed to Families that must have Weight here, whatever Change may be in the Administration — "If Mr Palmer were your Agent, or any Gentleman like minded & qualify'd, if any such there be, I shal very readily throw in any little Weight I might at any time be tho't to have, & assist him to ye utmost of my Power in promoting ye Interests of your Churches & College, & securing the civil & religious Rights of your Country."

Sir, I ought further to inform your Honour that Mr Palmer is one of ye Committee for ye Churches, whereof Dr Avery is the Chairman; whose Weight with ye Ministry at Court must be therefore alwayes estimated from that of ye *Body* of ye Dissenting Churches, whom he & ye Committee represent, in all their Applications & Representations; & the Weight of that *Body* is with the Court & Ministry in proportion to their Influence in the Election of Parliament Men. So that Dr Avery's Access to ye Ministry at ye Head & in ye Name of ye Committee is ever easie & their Weight with them very great.

I beg your Honours Pardon for ye Length & Liberty I have run into; & that you may be long con-

tinued a great Blessing to your Country, is the Prayer of

Your Honours most humble & Obed^{t} Servant,

BENJAMIN COLMAN.

Gov^{r} LAW.

[Superscribed] For the Honourable JONATHAN LAW Governour of the Colony of Connecticut. Postpaid H: Venner

[Indorsed] Doct^{r} Colmans Letter Sep^{t} 23 1742

THOMAS WENTWORTH TO THE GOVERNOR OF CONNECTICUT.

Sir

His Majesty having Signify'd to me That it is his Pleasure That The Expedition Design'd by his Land forces, against The King of Spain's Dominions In south america; Should be putt an End to, and That The Regiment Commanded by Coll Gouch, Should be Immediately Reduc'd, & That I Should Send back To north america, all such Soldiers of That Regiment, as do not Choose To Remain here In The Plantations, or to Serve In Companys on board The Fleet. I have Taken The best measures In my Power for Executing The above orders, and accordingly have Dispatch'd Transports To The Ports, from whence The Soldiers may be most Conveniently Dispersd To Their Respective habitations; Every man having Received his full Pay to October The 24th, his firelock, and The Cloathing of which he was Possesst, at The Time of his Reduction, according To what, his majestie was Graitously Pleasd To Promise, at The first Raising The Regiment.

As Some of The men will Probably arrive feeble & Sick, I beg Leave Sir, To Recommend To you, That They may be Commodiously Conveyd To Their Respective habitations, as men who have undergone a good Deal of hazard, and hardships, During The Course of Their Service In This Part of The World

I am S^r^
Your most obedient
humble Serv^t^
THO^S^ WENTWORTH

KINGSTON JAMAICA October The 15^th^ 1742

His Excellency the Governour of Connecticutt

REPORT OF COMMITTEE OF THE GENERAL ASSEMBLY ON INDIAN CLAIMS AT SHARON.

To the Honourable General Assembly of his Majestys Colony of Connecticut Setting in New Haven in October A Dom 1742. We the Subscribers your Hon^rs^ Committee appointed at your Sessions in May Last to Enquire into y^e^ Claims made by and purchases made of y^e^ Indians in y^e^ towns of Sharon and Salisbury &c. humbly Reports.

That pursuant to your Hon^rs^ appointment on y^e^ memorial of Peter Pratt and others agents of Sharon and Neguntemauge and other Indians Living in or Near Sharon we (having first Notifyed y^e^ partys Concerned) Repaird to the town of Sharon and on the 13^th^ and 14^th^ Days of this instant October proceeded to Enquire into the Several matters Refered to in S^d^ Memorial and the Several partys Concerned being present and having interpreters both of English and Indians we were informed by Deeds and witnesses

and would humbly Report to your Hon^{rs} that we find that one Metoxson alias Collonel alias Corlow is allowed by all to be y^{e} Chiefe Sachem of the indians in those parts and that he and his tribe or Nation are the Claimers of those Lands not Sold and also Claimed and Sold all y^{t} have been Sold there about.

That the S^{d} Metoukson and other indans in y^{e} year 1726 Sold to Richard Sacket & Company all y^{e} western part of Sharon within about two Mile of Ousatunnuck River Little more or less and y^{e} South-west Corner of Salisbury which Sale Some of y^{e} Indians who Signed y^{e} Deed being present owned to be honestly Made.

That afterwards viz. 26th of octob^{r} 1738 the S^{d} Metauxson and other Indians by agreement with and for Eighty pounds &c Rec^{d} of Thomas Lamb Sold to y^{e} Gov^{r} & Company the township of Sharon Except One Mile at y^{e} South End which Deed and bargain Several witnesses Declared was fairly Made and well understood by y^{e} Indians.

That in Feb^{ry} 1738/9 y^{e} S^{d} Thomas Lamb procured another Deed from an Indian of that tribe as we understand who is Sometimes Called John Sometimes Nauness &c to y^{e} Gov^{r} & Company for one mile across at y^{e} South End of Sharon for Nine pounds.

That by Sundry Deeds to Diverse persons given by some of y^{t} tribe of Indians the township of Salisbury has been purchased Except about (as Near as we could guess) two mile Square at y^{e} North East Corner and this Seemed to be Generally agreed to both by the English and Indians

and Concerning the S^{d} North East Corner we find that y^{e} Deed to Knowls and Henman Describes the Lands Sold by Certain Natural Monuments as ponds

Mountains &c in which Description y^e S^d North East Corner is not contained but then the Lands are again bounded by General boundarys viz. North by y^e Massachusets East by the River &c: which includes y^e Land at y^e North East Corner but its Generally declared both by English and Indians that they have always understood and now believe y^t Corner was Never intended to be Sold neither was it Ever honestly Sold on which we are of Opinion that its most probable y^t y^e S^d Corner never was intended to be Sold therefore we think the Indians who are Generally allowed to Claim y^t Corner and for whom as y^e Indians Say y^e S^d Corner was intended to be Left when y^e other was Sold Should be quieted by giving y^m Some Consideration to Resign their Claim which Umpechenee on their behalf Declared they would Do for Sixty pounds & not Less

And concerning the Northwest Corner of Sharon we find it all to be Sold and included in y^e afores^d Deed to Sacket and y^t Procured by Lamb. Yet from indian Evidence only we are informed y^t the Indians did and do Now think they might & may Live there and the people of Sharon are willing they Should Live there if an Equivalent is given whereupon considering y^e Circumstances of those indians we think it might be well to allow them about fifty acres of Land to Live on which appears to be a sufficiency and that on the proprietors of Sharon Securing y^e Same to them an Equivalent of about two acres for one be given Sharon at y^e South End of their town they purchasing the Same of y^e indians if not already Done.

As to y^e Mile at y^e South End of Sharon complained of we find Little or Nothing worthy of Notice about it.

Wherefore upon the whole Seeing the Indians Desire to Live there and have made improvement where they Live &c. we therefore Recommend it to Your Hon^rs to quiet and favour those indians as afores^d and Considering they are as we were informed Disposed to be instructed in the Christian faith we think it might be well to make Some provision for y^t purpose their number being 13 males fifteen females adult and 17 Children fourty five in all

and further y^t one Possaunee who on some Encouragment given him y^e Committee for Laying out Lands in Salisbury that they would Endeavour he Should have two blankets Resigned a Considerable improvement he had made and Lived upon in Salisbury Should be considered and Made Easy accordingly.

and upon the Matters afores^d being Setled we conclude the Indians will be Easy and peaceable & friendly and we hope comfortable Neighbors and friends and probably Christian Brethren all which is most humbly Submitted to this honourable Assembly by your Honours obedient Humble Servants

THO^S FITCH
DAN^LL EDWARDS
ROB^T WALKER

NEW HAVEN Octob^r 23^d 1742

In y^e Lower House the Above Report Read and Approved And y^t A bill in form be Drawn y^r on Accordingly

Test JN^O FOWLER Clerk

Concur^d in the upper House

Test GEORGE WYLLYS Secret^y

[Indorsed] Report of y^e Committee About indian Claims & Sales &c in Sharon & Salisbury Octob^r 1742 p 1 H p u H Bill past En^d

JONATHAN LAW TO THE HOUSE OF REPRESENTATIVES.

To M^r Speaker and House of Representatives

I begg leave to represent to you That according to my Computation y^e Sum heretofore allowd me for my Psallery dos scarcely or very little more than Ballance y^e addional Expence arising from y^e hon^ble Post you have advanced me to, and yet I am insensible of any Extravagancy I have run my self into, and having lately sustaind very considerable loss in my own Estate am not so able to serve you so well att my own Expence.*

I would also putt you in remembrance of y^e two hundred ℔ annum allowd to y^e late worthy Gov^r Saltonstall in y^e beginning of his Adm^n was full as good as our new money and as y^e Colony is considerably increast so is y^e business of it.

The publick Affairs draws my attentions so constantly and steadily as to break off my Meditations and concernments from any profitable Improvments in my own private business

However I shall acquiesse in your wise, prudent and just Consideration

JON^TH LAW

N. HAVEN, Oct^br 28^th 1742.

[Superscribed] To Maj^r BURR Esq^r Speaker

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* At this time Governor Law's salary was £60 every half year in new tenor or its equivalent in old tenor. At the next session of the General Assembly it was increased to £70 every half year. His half year's salary as Deputy Governor granted in May, 1741, was £30 new tenor. *Colonial Records, VIII.*

JONATHAN LAW'S INSTRUCTIONS TO ELIAKIM PALMER.

[These Instructions are printed in Talcott Papers, II, 489–494 (*Collections, V*). Eliakim Palmer of London was appointed Agent for the Colony of Connecticut in October, 1742, and at the same time was directed by the General Assembly to "apply to Messrs Parris and Sharp, solicitors, if free and not engaged otherwise, to obtain their or one of their assistance, or other counsel learned in the law, to assist and defend the said Thomas Tousey against the said Samuel Clark in the case aforesaid, in the most vigorous and best manner they possibly can." The Instructions must have been sent late in October or early in November, 1742. The copy preserved is in the same handwriting as that of the "further Instructions" mentioned in Law's letter to Palmer of Nov. 18, 1742, in which letter he mentions the Instructions in Clark's case that he had previously drawn. The Assembly at its previous session in May voted to loan Mr. Tousey five hundred pounds, new tenor, payable in four years, to aid him in the defense of this suit. *Colonial Records, VIII, 463, 506.*]

JONATHAN LAW TO ELIAKIM PALMER.

MILFORD Nov^{br} 18th 1742

S^{r}

There is lodgd in y^{e} hands of M^{r} Wilks or those that represent him 70^{ll} odd some Disburstments being deducted, y^{e} ordering w^{r}of into your hands was slippd by our Assembly but doubtless will be ready and in y^{r} next Sessions will be rememberd

I have enclosd herewith the Acts of our Assembly, Letters of Procuration and some further Instructions in Clark and Towseys Case w^{ch} you will use as you think proper, as also a Letter from our hon$^{bl e}$ Dep:

Gov^{r} Woolcoott with a Power of Attorney to demand some Arrears &c due for y^{e} Service done for his Maj^{ty} by Cap^{t} Newberry* in y^{e} Spanish West India Expedition whose Relict is Daughter to his Hon^{r} Who gives his Service to you and will take it as a great favour if you will under[ ] and effectually pursue it

Not doubting S^{r} of your constant and vigilant Care of all Affairs relating to this Goverment I subscribe

Your most humble Servant

J L

P S since I drew instructions in Clarks Case I have seen Copies of y^{e} Records and observe y^{r} was no Concessions made of y^{e} matters of fact

Upon which I would again observe to you That wherever the Rules of the Coñon law take place, ad Questionem facti respondent Juratores non Judices, how unaccountable will it be then to say y^{e} Coñon law extends here to make y^{e} Eldest Son Heir and not to make the Jurors, Judges of the fact and of Titles of land. This very Appeal shows to a Demonstration That we are out of y^{e} Verge of ~~y^{e}~~ Coñon law such an Appeal from Westminster would at once be rejected why! because the Tryal was within the Jurisdiction of y^{e} Coñon law qui sentit omus sentitire debet et Commodum

I have also inclosd to you a Letter to D^{r} Avery, to whom you will offer my most humble Service, as also to M^{r} Bourryan who has taken y^{e} Care of our Affairs since y^{e} Decease of our Agent M^{r} Wilks

To ELIAKIM PALMAR Esq^{r}

* Roger Newberry married Aug. 24, 1727, Elizabeth, eldest daughter of Roger Wolcott. He was Captain of one of the Connecticut companies in the expedition against the Spanish West Indies in 1740-1741; was present when the English were repulsed before Carthagena and died May 6 during the return voyage. *Dexter's Yale Annals; Wolcott Memorial.*

See Talcott Papers, II, 87 (*Collections, V*) for note upon the suit of Clark against Tousey.

JONATHAN LAW'S INSTRUCTIONS TO ELIAKIM PALMER.*

The King and Council in Winthropps Case did not fault us for presuming to make a law to direct the Succession of Inheritances, when the Coñon law had fixt it, but for making it contrary to the laws of England. neither did this Question Ever arise in the Debate and was Conversant ab^{t} another matter viz. y^{e} Sale of lands by an Administrator for payment of a Just Debt

But the late case of Phillipps & Savage does Clearly Demonstrate that the Coñon law did not Extend into y^{e} Massachussetts for the Coñon law cannot be Altered by any lower Authority than the Parliament of Great Brittain, not by y^{e} Massachussetts Assembly

S^{r} I cant conjecture why M^{r} Sharp (if it was he) in Clarks appeal Relates over the Story about the Probats Since he dont at all rely upon it unless to draw us into the Difficulty of Supporting our Intestate law w^{ch} I take to be Somewhat more Difficult than to withstand the Demandant in what he must be able to Shew and maintain the Matter of fact and the Extent of y^{e} Common law which Desire you to be aware of in this Case and let your Answer to it be only by way of Protestation.

For y^{e} Defend^{t} never Sett up his Title but Stood up[ ] his Defence on y^{e} Gen^{l} Plea and M^{r} Sharp by M^{r} Wilks has Inform'd us that we Could take no Benefitt by our Certificates and Records from the Probats Unless they had been given in here upon y^{e}

* Although this document is unsigned it should undoubtedly be credited to Gov. Law, as it is in the same handwriting as several others bearing his name, probably a copy made by a clerk; and it is doubtless the "further instructions" mentioned in Law's letter to Palmer of Nov. 18, 1742. The indorsement is in the handwriting of the elder Gov. Jonathan Trumbull.

Tryal. Yet I hope they may be Admitted to Show y^t y^e Coñon law was never reciev'd here as y^e Rule of Descents of Inheritances. for it tends to Break up all our Settlements and Defeat all the Honest Purchases that have been Made this Hundred Years and turn men out of y^r Possessions w^ch have been made Valuable by y^e Sweat, Industry, Expence and Toil of them and y^r Ancestors. but I leave all to be Improv'd in Such Manner as you and your Council who better Understand y^e Scituation and State of Affairs where you are to Mannage than I can have any pretence to at this Distance

MILFORD in Connecticut Nov^br 1742

To ELIAKIM PALMER Esq^r Agent for Connecticutt [Indorsed] Instructions in Clark v^s Tousey's Case Intestate Law 1742

JONATHAN LAW TO BENJAMIN COLMAN.*

Rev^d S^r

Yours of Sep^t 23^d I rec^d and layd before our Ass[ ] with all y^e Success that could be desired and nothing now re[ ] but y^e returning Thanks for your Information and asking y^e fa[ ] of your Recoñendations of us to Doct^r Avery and M^r Palmer our Agent and especially in a Case now depending between Clark & Towsey, in which y^e Demand is made by an eldest Son as Heir at la[ ] w^ch if supported by an Opinion of y^e Extent of y^e Coñon law here [ ] open a Door for y^e rooting up all our Settlements of Intestate Estat[ ] to y^e ondoing y^e most of our Inhabitants and ushering in upon [ ] all y^e Mischiefs that will follow upon bringing in a new

* This letter was inclosed with Law's letter of Nov. 18, 1742, to Palmer, and is presumably of that date.

Rule to y^e^ [ ]cision of matters w^ch^ have been transacted by any Rules of our own, w^r^e[ ] they have differd from y^e^ Rules of y^e^ laws of England in Church or St[ ]

I thankfully acknowledge y^e^ present you made me when I was att Boston and [ ]suring you how much I covet a Correspondency with you I take leave to subscr[ ]

my self Your faithfull ffriend
and most humble Servant
J L

To D^r^ BENJ^M^ COLEMAN

JONATHAN LAW TO BENJAMIN AVERY.*

*Hon^ble^ S^r^*

I was favourd with a Paragraph of your Letter to D^r^ Coleman Recoñending M^r^ Eliakim Palmer as a worthy Son of New England, and y^e^ most likely person to serve y^e^ Interest of New England, with y^e^ Encouragement you gave to cast in y^e^ good Offices your Situation would add to his vigilant and faithfull Applicat[ ] which I coñunicated to our Assembly in y^r^ last Sessions, by which they were lead to cho[ ] him for y^r^ Agent. And now S^r^ Notwistanding y^e^ Pticular Reference you had y^r^in [ ] Massachusetts, Coñecticutt being so united with them and embarqued in much the same we rely upon y^e^ like favour and concern for y^e^ good of this Colony, in its Churches, Coll[ ] and State

I beg leave to Subscribe my self
Your most humble & obedient Servant
J LAW

To D^r^ BENJ^M^ AVERY

* Probably inclosed with Law's letter to Palmer of Nov. 18, 1742.

JONATHAN LAW TO ZACH. BOURRYAN.

MILFORD* [ ]

S^r

I had y^e favour of yours of y^e 17^th and 23^d of July last past and laid them before our Assembly in y^r next Sessions and now return you thanks for y^e Care you have taken of y^e Affairs of this Goverm^t since y^e death of our worthy late Agent Francis Wilks Esq^r and for y^e freedom you manifested to take y^e trouble of the Affairs of this Gov^t but the Assembly have made Choice of M^r Eliakikim Palmer to whom all the Papers, Instructions and other Writings lodged in the hands of M^r Wilks are desird to be deliverd.

The opinion said to be y^e rec^d one viz That y^e Comon law with all y^e ancient Statutes before y^e Settlement of y^e Plantations are y^e law of y^e Plantations is so contrary to y^e known Principles w^ch have always been y^e Rule of Practice here, where y^e laws made by Vertue of our Charter, the law of god, of Reason and Nature with y^e Statutes made for y^e Plantations have been y^e Measure of all our Administrations That it is shocking to all men that hold y^r lives and fortunes under the Protection of y^e laws by w^ch all y^r Transactions have been regulated from y^e begining, w^ch is more than a Century.

Our Assembly in May last granted to M^r Wilks for his Psallery 250^l^l in our Currency and orderd some Gentlemen of y^e Council who dwell near the Treasury to transmitt it to M^r Edwards of Boston as usual

To M^r BOURYEAN

* Probably of Nov., 1742.

JOHN SHARPE TO ELIAKIM PALMER.

D^r Sir

I have consider'd Govern^r Law's Letter of Instructions to you, in regard to the Case of Clarke & Towsey, in the best manner I can; and think as the matter appears upon the record transmitted, it is impossible for Clarke to have any Success upon this Appeal, the Record by no means agreeing with the Allegations in the Petition, and no Evidence appearing upon the Record that the Appell^t is eldest Son & Heir of his Father, or that his Father dyed seized in fee of the Prem̃es in question; both which Facts it is of absolute Necessity for the Appell^t to make out, before the Question of Law can arise; and as neither of these Facts appear by the Record either to have been proved or admitted, it is impossible that M^r Clarke can prevail upon this Appeal:* And I very well remember that in Gov^r Talcot's time, & during M^r Wilks's Agency, when the Colony had the Repeal of their Intestate Law under Consideration, in order to find out the most proper Method to guard against the Inconveniencys that might arise therefrom; amongst several other Ways which I then pointed out, I strongly recommended to 'em the continuing the same Method of Distributing real Estates of Intestates, and tho' the intestate Law was repealed, to support the same by constant uninterrupted immemorial Custom and Usage from the first Settlement of the Colony, and to get sever^l eldest Sons of Intestates in the Interest of the Colony to bring Actions of the same Nature with this of Clarke's, for the Dẽft to insist on the Custom, the Evidence not to be taken down in

* For record of the decision of the Superior Court in 1733 see Colonial Records of Connecticut, vol. IX, p. 587. See also Talcott Papers, I, 96 (*Collections, IV*).

Writing, and the Ve[ ] & Judgm[t] to be for the Dẽft, in which the Plt to acquiesce; and thus having the Custom strengthened by several Precedents subsequent to the Repeal of the Intestate Law, the Method of distributing Intestate Estates would in my Apprehension become as binding by Custom as it was before under the Intestate Law; and if an adverse eldest Son should rise up (of which Clarke is the first Instance), by thus taking Care not to have the Evidence taken down in Writing, nor any Admission of the Fact, it would be impossible to prevail upon an Appeal home, because the Evidence could not appear to the Lords upon which the Verdict was founded, and without the Evidence appearing it was impossible for the Lords to reverse the Judgment; but that great Care should be taken to have none of the Evidence entred down in the Record, because if any of the Evidence was entred, the Lords would consider that as the whole Evidence, unless anything appeared in the Record to the Contrary; and I find the Colony have follow'd this advice in Clarke's Case, and I am persuaded they will find the Benefit of it. M[r] Clarke's petition I drew, acquainting him at the same time that if the Colony should interfere in it, I must in that Case be concerned for the Colony ag[st] him; for I have always determined to keep myself free & open, so as to be at the Service of the Colony in all Cases wherein they shall desire my Assistance; and you may be assured of my utmost Endeavours for their Service in this Dispute, and in all others that may hereafter arise. M[r] Clarke did not bring any Copy of y[e] Record with him, nor any Instructions from his Council, but 2 or 3 Loose Papers; so that this Petition was drawn principally from verbal Instructions of his own: I asked him what Evidence he had given of his Father's

Seizin, & of his being his eldest Son; he said he had Evidence ready, but M^r^ Towsey's Council admitting these Facts his Witnesses were not Examined; upon which I asked him if this Admission was Entred on the Record; he said it was: and upon these Assurances of his & agreeable to his Instructions, the Petition Drawn; but in which, now the Record is come over, he appears to have been mistaken, and I imagine he will hardly be advised to prosecute his Appeal any further; if he does, I make no question but to get it Dismissed.

With regard to the points of Law mentioned in Gov^r^ Law's Lett^r^. The Gov^r^ does not seem to me to make the distinction that is necessary for the more clear understanding this Question between the Common & the Statute Law of England. The Common Law of England undoubtedly extends to all our Plantations; it is what they all carryed over with them at the time of their first Settlements: The Statute Law of England it is certain does not extend to our Plantations, unless in those Acts of parliament only wherein they are particularly mentioned, as the Acts of Trade & Navigation &c^a^: And the Opinion of the Attorney & Soll^r^ Gen^l^s transmitted to Connecticut by the Board of Trade does not at all interfere with this Rule; because the Opinion related to the Case of entailed Lands which is done under the English Statute — De donis conditionalibus, and does not at all depend on the Common Law as Descents do; for by the Common Law no Lands could be Entailed; and so the Barring Entails by Fine depends on the Statute Law, Fines being by Statute & not by Common Law: So that no Inference can be drawn from this Opinion one way or other with regard to the Common Law of England extending or not extend

ing to the Plantations. But I apprehend the Custom of Dividing Intestates real Estates in the manner used in Connecticut is not repugnant to the Common Law of England: For with us, we have a great Variety of Descents; the general Course indeed is to the Eldest Son, but in many places it is otherwise: In Kent the Custom of Gavelkind prevails, by which the Land descends to all the Sons equally; and in many places the Custom of Borough-English, by which the Estate goes to the youngst Son; and there are several other Customs which carry it to Females: So that I think the Course of Descents in Connecticut is composed of the several Sorts of Descents allowed by the Law of England, and is therefore not repugnant but agreeable thereto. In the Case of Winthrop and Lechmere* the Colony did not interfere; and the Case on Lechmere's Side was entrusted to one noways Conversant in Cases of this kind, and it is most certain was very unably conducted; otherwise I really think that determination would never have been given: But it is now too late to recall it; and the Method I before pointed out, & have repeated in this Letter, and which the Colony have pursued in Clarke's Case, will I am persuaded if properly pursued quiet this Question as effectually as if the Intestate Law was revived. But if the Colony like it better, I do not see why they may not pass a new Act for the same thing, making some Variations from the former Law that they may not say it is the Same; and One Variation I would recommend is Not to vest the Real Estates in the Adm^{rs} or the Distribution thereof in the Court of Probates, the Ecclesiastical Courts having no power by the Common law, but let that be left in Case of Dispute to be

* See Talcott Papers, I, 94 (*Collections, IV*).

Determined in the Courts of Law:* and with this Variation I am persuaded if such new Law should be attacked strengthned with the Precedent of Phillips and Savage, (in which I was concerned for the Province of the Massachusetts Bay) you and I should have very little Difficulty to support it. Thus, Sir, I have given you my Thoughts on this Affair, in Answer to Gov^r Law's Letters which I should be obliged to you if you would transmit to him with my best Respects. His Letter is penned throughout with great Ability and Judgment, and is only Short in not making the Distinction I have already mentioned between the Common and the Statute Law of England; which it is not to be imagined the Gov^r (for want of being Conversant in our Law) could be apprized of. I have likewise carefully perused M^r Read's Remarks, which (like every thing else that comes from him) are drawn in a very masterly Way: The Certificates he mentions I have; and if the Cause comes on, I shall make the proper Use both of the Gov^r's and his Instructions; and make no Question but with your diligent and assistant help to procure a Dismission of it. But I believe that the Appeal will hardly be pursued, as I do that the Petition would never have been presented had M^r Clarke bro^t a Copy of the Record over with him. I am with the most perfect Truth and Esteem

D^r Sir

Your most obedient & ever faithful humble Servant

JN^o SHARPE

28^th Jan^ry 1742

To ELIAKIM PALMER Esq^r

[Indorsed] M^r Sharp's Opinion

*At this time, and perhaps until 1857, all Courts of Probate in England were Ecclesiastical Courts. *Blount's Law Dictionary; Century Dictionary.*

ELIAKIM PALMER TO JONATHAN LAW.

Sir

Some time ago I was honour'd with your Letter of the 18 of November accompan^{g} an Instrument of Procuration Investing me wth the Power of Agency for the Colony of Connecticut a Trust Sir w^{ch} my Concern for the Wellfare of my Country makes me wish had been plac'd in hands more able & not less willing to serve it. However Sir as the Colony have been pleas'd to Confer this unexpected honour upon me I shall as far as the narrow Sphere I move in will admitt of endeavour that their Ends in so doing may not intirely be Defeated.

Your Instructions wth the other Papers relating to Clarks appeal agst Towsey I have duly receiv'd & from the best Information I have hitherto been able to procure think there is good Grounds to Believe that should he bring it to a hearing there is little probability of his succeeding, & that principaly for want of Authentick Evidence of the Facts, by not recording of which you may allways render appeals ineffectual, and by that means avoid the Mischiefs that would arise should the Common Law of England Determine the Succession of the Inheritances of Intestates in Your Governm^{t}.

I have in Pursuance of the Resolutions of your Assembly apply'd to M^{r}. Solicitor Sharpe whose Opinion in the Case you will receive herewith, and as for the present nothing farther can be done I have only to add that the Colony may be assur'd I shall exert the utmost of my Power for their Interest in

whatever Concerns they shall think fitt to Intrust me with who Am Sir

With great regard
Their most Faithfull
& Oblig'd Hum^le^ Serv^t^
ELIAK^M^ PALMER

Please to send me over a Collection of your Laws and any other Books Papers &c which may be tho^t^ usefull to me in the Discharge of my Trust.

LONDON 7^th^ Feb^ry^ 1742/3

To the Hon^ble^ JONATHAN LAW Esq^r^

[Indorsed] Agent Palmers Letter Duplicate Agent Palmers Letter 7 Feb^ry^ 1743

ZACH. BOURRYAN TO JONATHAN LAW.

LONDON February 10^th^ 1742

Sir

I have your favour of 19^th^ Novem^r^ past which inform'd me that your Assembly had chosen M^r^ Eliakim Palmer your Agent, upon which I immediately went to M^r^ Jn^o^ Sharpe & desired him to deliver all the Papers belonging to the Colony of Connecticutt, which had been lodg'd with him, to the said M^r^ Palmer, who I wish Success in his Employment, & the Province all the Advantages that can be expected from him. We have paid your Draft on our late Partner Francis Wilks for £115: being in fav^r^ of Samuel Talcot. I have not to add, but am always

S^r^
Your most Obedient Servant
ZACH: BOURRYAN

The Hon^ble^ JONAT LAW Esq^r^

BENJAMIN AVERY TO JONATHAN LAW.

Honoured Sir

I am favoured with your Excellency's Letter dated 15 Novb[r] last; & am greatly obliged by the regard you have shewn to my recomendation in the choice of my worthy Friend M[r] Eliakim Palmer for Agent to your Colony. I hope & firmly believe, Sir, that neither you nor the Assembly will have any reason to repent the Choice you have made. I know no man more able or better inclined to serve your Province with respect to its religious & civil Interests. And though it was with a particular View to the Massachusets that I mentioned him in my letter to D[r] Colman, & promised to assist him to the utmost of my power; yet as Connecticut has now a just claim to his very best Services; so I shall as readily concur with him in forwarding any affairs you may have depending here, as I should with respect to theirs. I neither do nor ought to make any pretensence to any considerable interest; but any that I have I shall very readily & faithfully employ in securing the rights of the Churches and College in your Colony as well as the Safety & prosperity of your State. I am

Hon[d] Sir
with great Esteem & respect
your Excellencies most
Obed[t] faithfull
humble Serv[t]
BENJ. AVERY.

LONDON 25 ffebr. 1742.

To his Excellency JONATHAN LAW Esq[r].

[Indorsed] D[r] Benj Averys Letter 1742

THOMAS HILL* TO JONATHAN LAW.

*Right Honoured S^r^*

I beg Leave to Inform your Hon^r^ y^t^ m^r^ Sam^ll^ Sturgis of this town Intimated to me y^t^ a person asked him if he would accept of y^e^ Sheriffs office for he Designed to have me put out of y^e^ Sheriffs office,† m^r^ Sturgis would not plainly tell me y^e^ persons name but I have Reason to think who, it was & I am Senceable it was a Gent^l^man who thinks himself Conserned & one in office to put in a Sheriff I believe it is not y^e^ first time that Gent^l^man has indevered to have me put out of y^e^ Sheriffs office; I Humbly beg your Hon^r^ & y^e^ Honourable Councel will not Receive an accusation against me & proced to Judgment without first Giving me an oppertunity of vindicating my Innocence for I am not Senceable of any thing y^t^ I have Don In y^e^ Execution of my office whereby any person has Just Reason to Complain but I have allways indevered according to y^e^ best of my Skill to make y^e^ Law & Equity y^e^ Rule of my acctions in y^e^ Execution of my office & if I have Don any thing Contrary to y^t^ it is my Ignorance: & therefore would beg yo^r^ Hon^rs^ faveor So far as not to proced against me without haveing y^e^ accuser & y^e^ accused face to face & when yo^r^ Hon^rs^ have heard y^e^ matter if any there Should be I shall be very willing to Submitt yo^r^ Hon^rs^ Correction if yo^r^ Hon^r^ will be pleas^d^ to be so Good & Graceous as to Grant my Request, yo^r^ Hon^r^ will very much oblige your

* Hill and Sturgis are both familiar names in Fairfield. Capt. Thomas Hill, probably the writer of this letter, was several times a representative from Fairfield. *Colonial Records.*

† Under a law passed in May, 1724, sheriffs were appointed and commissioned by the Governor and Council. As the records of the Governor and Council for this period are not known to be extant, what action if any was taken in this instance is not known. *Colonial Records.*

faithfull & most Dutifull obediant Humᵉ Servᵗ to Comᵈ

THO HILL

FAIRFIELD April 25ᵗʰ 1743

[Superscribed] To The Honourable JONᵀᴴ LAW Esqʳ at Milford These

SAMUEL WELLES TO JONATHAN LAW.

BOSTON, Aprˡ. 25. 1743.

Honourable Sir,

I herewith present two Letters from the Agent of Connecticut, I have sent them by the Post not finding any other conveyance likely to be so expeditious; I shall very gladly take the care of any packets to or from your Agent, & with great pleasure do any other Service I can, for my Native Country, I am, with a very high Respect, Sir,

Your most obedᵗ
Humᵉ Servᵗ
SAMUEL WELLES.

The Honᵇˡᵉ Governʳ LAW
[Indorsed] Mʳ Welles Letter 1743

MEMORIAL OF NIANTIC INDIANS TO THE GENERAL ASSEMBLY.

To the Honourable Generall Assembly to be held at Hartford the Second Thirsday of may Instant the Memoriall of us the Subscribers the Nihantick Indians Humbly sheweth—

That we meet with much Diffucalty in Respect of The Improvement of our Lands where we Live we having three Hundred Acres of Land at Nihantick

Sequesteed to us by the Kindness and Goodwill of y^e^ Generall Assembly in Days of old and we have Ever Sence been the Kind Care of y^e^ Said Assembly. but Some of our English Neighbours Claime the Grass that Grows upon two Hundred of it and y^e^ fall feed of y^e^ rest and in Taking the Grass they almost render the land unprofitable to us they feed So Late In the Spring & So Early in y^e^ fall and when they Come to moe and Take away y^e^ hay they Let their Horses and oxen Do us much Damage and we are poor Ignorant Indians and Dont Know how to Defende our Selves and our Guardins are Grown Old and not well Able to Defende us and Take Care of our Affairs—

And in perticuler y^e^ Lower or Southern hundred acres we have Litle or no Benifit of it for Some of y^e^ Adjoyning English Neighbours viz John & Jonathan Prentiss and Tho: Manerwing have Taken the Same into their Inclosures And Refuse to Let us Improve any part of it but w^t^ we fence in perticuler Inclosures by which means we cut Away all our Timber & wood that in a Little time we shall not have one stick of wood to burn. And So must Leave our Land to them that Seem to have a mind to Drive us off from our Improvements & So by our being thus hurt and opprest in y^e^ Improvement of our Land we are forc't to Ramble abroad and our Children must loose the benefit of a School & meetings which y^e^ Commitioners for Indian Affairs in boston * have been So kind and Charitable as to Setle among us and some

* A board of correspondents in Boston, often called the "Boston Commissioners," represented the "Society in Scotland for Propagating Christian Knowledge" from 1730 to 1737, when the board was suspended. A New York board was constituted in 1741; the Boston board was revived in 1756, and a Connecticut board was formed in 1764. This society was engaged in Indian Missions. *Love's Samson Occom.*

of our English friends Advise us to Lay the matter before the Assembly and pray them to Appoint a Comittee of wise men to Inquire into our affairs And to See what Right y^e^ English have to Take our Grass and to fence our Land into their Inclosures we believe the Land and all that Grows upon it is our'n now we have a Great Inclination to Live more like Christian English people and we Could Keep Some Catle and Sheep and Swine if y^e^ Land was under our Improvement we Could also raise some Inglish Grain which now we are forbide we having this year Soed Some flax and Oats which they that Claime the Grass Say is theirs and Say they will Turn in their Catle upon for they Say we have no right only to plant we therefore pray that your Honours would be pleased to appoint a Committe to Inquire and Lay the Matter before the Next Assembly y^t^ So we May have right Done us if y^e^ Grass and Improvement be ours we are willing to have it And if it be theirs we Don't want it we also Desire y^t^ our Good friends M^r^ John Griswold And M^r^ Richard Lord * may Appear for us to Lay this petition before the General Assembly & we as in Duty bound shall Ever pray

Dated in LYME May 9^th^ 1743

John Tat-son his X mark

Will Sobuck

John his X mark Non-Such

Gideon his X mark Que Quan

Wooh-Whoop his X mark pee hoont.

Philip his X mark Soo-Buck

John his X mark Tat-Son

Jo Ty-unk-coo his X mark

* Griswold and Lord were both well known residents of Lyme. Each was a Justice of the Peace and of the Quorum. *Salisbury's Family Histories and Genealogies.*

John Mowheag Jr his X mark

Dan[ll] Bag-a-not his X mark

Benj Baganott

David his X mark Non-Such

[ ] his X mark Non-Such

Philip Qu-ish

[ ] his X mark [ ]

George his X mark Py-unk-coo

John his X mark Au-cum

Thomas So-Buck

Jack Bag-a-not

Higgison Py-unk-coo his X mark

In the Upper House

On this Memorial Granted that a Com[tee] be appointed for the purpose therein mentioned and that a Bill &c Test GEORGE WYLLYS Secret[y]

Concured in y[e] Lower House

Test JN[o] FOWLER Clerk

[Indorsed] Memorial of the Nehantick Indians May 1743 M[r] Griswould p l H p u H 26 p M Ent*

STEPHEN PRENTIS† TO THE GENERAL ASSEMBLY.

To the Hon[ble] the Gen[ll] Assembly now Convened at Hartford May 12[th]: 1743.

May it Please Your Hon[rs] You having thot Proper Some time Since to Appoint me as a Guardian to the Nihantick Indians, Some of whom Complained of Some wrong done them by the English in Cuting down Trees Plowing up Land Sowing of

* These letters may be extended thus: passed in the Lower House, passed in the Upper House, [May] 26 afternoon; entered on the records of the Secretary.

† Capt. Stephen Prentiss of New London and Thomas Lee of Lyme were appointed overseers to the Niantic Indians in May, 1728. *Colonial Records.*

Oates &c, at their Motion I went over and found it So and upon Enquirey find it was One Ely a School master among the Indians a Transient Person and Some of the Inhabitants of s[d] Lyme who are no Proprietors in Black Point, and being Enformed that Some of the Indians have Sent a Memoriall to the Assembly, Some of whom Declare they were Imposed upon and did not then understand it as they Declared to me in the Hearing of S[d] Ely, and that Sobock and Tatson declared to me they had Signed Masons paper if So then no Nihantick Indians

STEPHEN PRENTIS.

MOHEGAN INDIANS' CHOICE OF AGENTS.

NEW LONDON MOHEGAN May: 13[th]: 1743

At a meating of the Mohegan Indians Here after Named it was noted that we make choaice of Joshua uncas Samuel uncas Zachriah Johnson Simon Choychoy who are of the Sachems Councell to Prefer a memorael to the Honerabel the Gineral assembley not sitting at Hartford Relating to masons affairs and the Dificultyes that we meait with By Reson of John and Samuel masons Insinueasions and fals Representations of things amongst us we also Desier our friend James Harris to assist our agentes above menchond in prefering the memorial above Said: and voted it us the subscribers

John his X marke uncas

Peige his X marke Johan

Caleb his X marke Clacke

Benjamin Uncas his X marke Sachem

old wambaneage his X marke Councler

old Jo Py his X marke Councler

George Qua

qua quad

his
John X Ruel
marke

his
moses X mazeain
marke

his
Joseph X Johnson
marke

his
Simon X tobey
marke

his
Joshua X oakum
marke

his
ned X Chuckheeg
marke

his
John X George
marke

his
Joshua X Uncas Councler
marke

his
Zachriah X Johnson Councler
marke

Samuel uncas Counceler his S A M marke

Simon Choy Choy Counceler

his
Samuel X Py Counceler
marke

his
Ephram E X j Johnson councler
marke

John Wom: Councler

Samson Occum Counceler

MEMORIAL OF NIANTIC INDIANS TO THE GENERAL ASSEMBLY.

To the Honnorable Asembly now Setting att Hartford

Gent[m] we the subscribers being of the Tribe of the Niantuck Indians, and being informed thear is a Complaint laid before y[r] Hon[rs] against the proprietors of Black point Doing us much Damage in our Corne and other Enormities: these are to informe y[r] Hon[rs] that we never had less Damage Done then for these four years last past and that our Corne stands a fortnite longer than the Usall time of Opening the feild and that the English maintaines Good fence and is now in Good order, and we are well satisfied with thear proceedings.

but this year thear is one Eley a trancent person and Diverss others of lime not propriators

Entred plowed and sowed a Considrable number of acres with oates, Contrary to our minds and the Said Ealey Coute Doun our Wood & timber which is much to Our Dameg

NIANTUCK

May 13th 1743 Ombiheinati his X marke Counseler

Wittnes poquiantoup X Justus his mark
matthew Smith hiwuko X his mark
David Latham pokquasinset X his mark
Cummusk X his mark
Qukcuegum X his mark
Gideon quqoom X his mark

NEW LONDON COUNTY Sst NEW LONDON

May 16th 1743

Mathew Smith and David Latham both of Lyme in the County of New London the wittnesses to the within Instrument Personally Appeared before me the Subscriber and made Solemn Oath that they Saw the within and Above Indians Sign this Instrument and We are well knowing they are all Reputed to be Nihantick Indians, and that the Same was Read to them and Some of them understanding English Interpreted it to the rest and they fully understood it as they Signified and freely Signed it. their Over Seir Capt Stephen Prentiss being Present at the Signing thereof

Sworn before me DANIEL COIT Justs pacis

Opened in the Genl Assembly May 1743

Test GEORGE WYLLYS Secrety

MEMORIAL OF MOHEGAN INDIANS TO THE GENERAL ASSEMBLY.

To the Honourable Gene[ll] Assembly now Siting in Hartford,

the memorial of Joshua Uncas, Samuel Vncas, Zachariah Johnson, Simon Choychoy, Chosen by the Sachem & Tribe of the Moheage Indians, to lay these presents before this Honourable Assembly

Sheweth

That Ben uncas our Sachem on the first day of July A : D 1742. made choyse of Sundry persons of our Tribe to be his counselers, whose names are herewith commited to You,* which councelors are Such as our Tribe do approve of, and Since those persons are Still liveing except onely Joshua Aucom who is lately dead, therefore our Request is that this Honourable Assembly would approve of & Confierme s[d] Councelors, who are yet liveing, that So our Sachem may be advised, and our affairs conducted according to the antient Custom of our Tribe.

May 17[th] 1743.

Joshua his X marke uncas

uncas S A M his marke

Zackariah his X marke Johnson

Simon Choy Choy

[Indorsed] Motion of Sachem & Mohegan Indians to Establish Councellors to s[d] Sachem May 1743 p u H 21 A M p 1 H Ent

* The document naming the counsellors is dated July 1, 1742, and appears on page 50.

REPORT OF COMMITTEE OF THE GENERAL ASSEMBLY RESPECTING INDIAN AFFAIRS.

HARTFORD, May 22d 1743

To ye Honble Genll Assembly of his Matys Colony of Connecticut now Seting in Hartford, Daniel Edwards of Hartford at your Sessions in October last appointed a Comtee to Agree with ye Revd Mr Prat touching ye Instruction of ye Indians, & allso to agree with & purchase of certain Indians their Claims of Lands in Salisbury & Sharon &c Humbly Reports

That on Notice to all partys Concernd first given, I, pursuant to your Honours Appointmt & Direction on ye 26th of April last proceeded to Said Sharon where arriving a few hours later than my expectation their Comtee to ye purpose appointed being all Save one absent on a long Journey coud transact nothing touching ye Indian claims in yt Town; but was made to understand that ye aquivalent of two acres across ye South end of their Town for one acre of ye Indian improvements wou'd be in nowise Satisfactory, and am Since allso advisd by sd Comtee under their Hands that on view and Measure of ye Present Indian improvements they amount to eighty nine acres at least, we is allmost double ye quantity heretofore Supposd, allso that their Indians in a late Conference with them have remonstrated yt their sd actual improvements are not only greatly Short of their just claim but allso alltogether insufficient to answer their necessitys, especially in ye article of Firewood, alledging yt on their being Secured in ye improvement & benefit of about two Hundred acres (we it seems they now claim) they may be able to keep together undispersed, and enjoy civil

education & Christian Instruction and allso y^e^ Benefit & Protection of y^e^ good laws of this Community which they Say they shall cherefully & thankfully receive & Submit to. or otherwise Shall be necessitated to break up & Scatter abroad (or least the most of them) which they are very loath to do, or remove else where for more room, S^d^ Com^tee^ have allso Signifyed to me their astimate of an aquivalent for s^d^ Indian lands viz^t^ Six acres for one to be taken across their bounds, or two for one to be pitcht where they Shall chuse, less then w^e^ they Seem to think will not be aquel.

That y^e^ Time by your Honours proposd for M^r^ Prats being enguaged to Instruct y^e^ Indians being then Just expir'd, nothing was transacted with him in y^t^ Matter, but on Conference with him about it am informd they Stil express an earnest desire of Instruction both by Schooling & preaching, & y^t^ your Honours woud in great Charity as Soon as may be Devise Some way to gratify them herein, to which he will be ready to Contribute his utmost assistance &c.

And That from Sharon proceeding to Stockbridge, where whom y^e^ claimers of s^d^ Northeastern Corner of Salisbury were, & with whom most Safely to transact in that affair, I by much Inquiry found out, They having no Records or other Durable Monuments or evidences of Title or Property, I had recourse to y^e^ following Measures w^c^ with them it Seems is accounted Sufficient to Depend & Act upon in matters of this Nature; —

That is to Say as I had before Noticed them of your honours Directions & my purpose to treat with them &c So now published among all the Indians there y^e^ arrand on which I came, to y^e^ end I might Discover whether they were agreed in allowing y^e^

Title to be quieted in any one person or family or whether there were not Sundry Opposite & contending Claimers but May it please your Honours on all y^e^ Inquiry I coud make by y^e^ help an Indian Interpreter of good report among them together with M^r^ Woodbridge y^e^ Indian Schoolmaster who was allso Sworn an Interpreter on this occasion, I found by y^e^ Concurrence of all y^e^ elderly & principal persons among them y^t^ y^e^ S^d^ Northeast Corner of Salisbury had been Deemd to belong to a family by them mentiond During their remembrance of whom those who now Surviv'd were one Tautaupusseet an Indian man, who was abroad at a great Distance, and allso an Indian Woman cald Shekaunenooti who was present & Sister to the s^d^ Tautaupusseet, together a Child of another branch of s^d^ Family cald Kowounun, which Survivers they all agreed were y^e^ owners of s^d^ Lands unless allienated to y^e^ English, And now after Some Doubt & Deliberation how to proceed in an affair So circumstenc't I Drew, and had executed a Deed of five Thousend acres more or less of s^d^ Lands to y^e^ Gov^r^ & Compeny of this Colony, w^c^ was first Distinctly read over in English & then by s^d^ Interpreters interpretted to those whoe were to execute it & allso to a number of y^e^ elderly Men who were to be Witnesses with Some english So y^t^ all Declared they understood it — Thus was the Deed Executed by s^d^ Indian Woman and a lad of about fourteen years for whom allso She acted as Guardian or as She exprest it as having y^e^ care of him & w^t^ he had whereupon of Seventy pounds old Currency Drawn out of the Treasury I paid Down Sixty y^e^ residue remains and had a Receipt thereof Indorsed on s^d^ Deed, with a Promise to procure y^e^ s^d^ Tautaupusseet on his return (w^c^ they expected woud be

Shortly) to execute y^e^ Same allso & Satisfy him therefor — which Deed I accordingly lodged in y^e^ Hands of y^e^ Rev^d^ M^r^ Serjeant of Stockbridge to be Executed & acknowledged on his Return as it allready has been by the others

as for Tossonee y^e^ Indian to whom two blankets were ordered I understood he was gone abroad, but woud likely return in Short time, So y^t^ I nor Saw nor acted any thing with him.

Thus Stand these affairs & thus (tho' ineffectually in part) have I endeavourd to Discharge what your honours gave in Command and Remain

Your Honours Most Ob^dt^ Humble Serv^t^

D EDWARDS

In the upper House

The Above Report read and Ordered to be lodged on the ffiles &c

Test GEORGE WYLLYS Secret^y^

Concurred in y^e^ Lower House

Test JN^O^ FOWLER Clerk

[Indorsed] Report of Com^tee^ Respecting Indian Affairs &c May 1743 Bill past Ent

JONATHAN LAW TO THE HOUSE OF REPRESENTATIVES.

To M^r^ Speaker and y^e^ hon^ble^ House of Representatives

Suffer me to add to my Thanks to you for what you have att this time granted to me* to putt

* The amount granted to Gov. Law by the General Assembly at the May session, 1743, for his half year's salary was £70, new tenor. The grant at the October and May sessions next preceding had been £60, new tenor. *Colonial Records.*

you in mind of y^e ℔ticular Services you putt me upon in representing to our present Agent y^e State of the Case between Clark and Towsey so far as it affected y^e Wellfare of this Gov^t w^ch w^th a great deal of pains and study and expence of time and to approbation of our Solicitor as by what he has signifyd to you have observed and as is reported to Effect I have done

Other persons improvd by you out of Court have y^r Allowances, give me leave only to add that when y^e business of y^e Gov^t was much less than its now swelld to was 200^ll ℔ annum equal to y^e present currency, even my whole time is calld for by y^e publick Affairs, expences increast and I have sustaind great Losses in my own Estate, who should rejoyce to serve you honourably if I were able, from

Your faithfull

and humble Servant

JON^TH LAW

ELIAKIM PALMER TO JONATHAN LAW.

LONDON 11^th June 1743

Sir

I have but just time before the departure of this Ship to forward to you a Coppy of a Petition lately presented to the Lords Justices by M^r Clark *

* No copy of Clark's petition is found, but its contents are shown by the following extracts from the proceedings of the English Privy Council.

AT THE COUNCIL CHAMBER, WHITEHALL, THE 2D JUNE, 1743.

Upon reading this day at the Board the humble petition of Samuel Clarke of his Majesty's Colony of Connecticut in America, setting forth that in November 1737, he presented a petition to his Majesty in Coun-

which is but this minute come to my hands & which I shall Oppose to the utmost of my Power being

Your most Faithfull
humle: Servt:
ELIAKM: PALMER

To the Honourable JONA: LAW Esqr

Coppy

[Superscribed] To the Honble JONATHAN LAW Esqr Governour of His Majesty's Colony of Connecticut ℔ Capt. Pike Q D C

[Indorsed] Mr Palmers Letter June 11 1743

AGREEMENT FOR EXPENSES OF COMMISSIONERS ON THE MOHEGAN CASE.

To all to whom these presents shall Come Greeting Whereas Cadwallader Colden Philip Courtland Dan[ll] Horsmonden John Rodman and Robert Hunter Morris Eqrs his Majesty's Commiss[s] are attending the Execution of his Majesty's Commission under ye Great Seal of Great Britain for Determining a Controversy between the Governour & Com-

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cil, complaining of a judgment given by the superior court of that Colony on the first Tuesday in March 1732/3, in favour of Thomas Towsey, Esqr, affirming a judgment of the court of probates in relation to the division of the real estate of Samuel Clarke Esquire, deceased, and praying to be admitted to appeal from the said judgment of the said superior court; that his Majesty, upon consideration thereof, has been pleased by his order in council of the 25th of May 1738, to allow the petitioner an appeal therefrom, upon giving the usual security to prosecute the same to effect within a year and a day: but the petitioner being at Connecticut and not receiving any advice of the appeal's being granted, brought his ejectment in the inferior court of the said Colony against Thomas Towsey for recovery of his division of the aforesaid real estate, where judgment was given against him, as it was afterwards

pany of y^e^ Colony of Connecticut and the Moheagan indians and it being proposed that Each of them be paid for their Satisfaction in Such Service the Sum of twenty Shillings Sterling for every Day they Shall attend S^d^ Service and also that their Expenses be born — and whereas it is proposed y^t^ y^e^ S^d^ Allowance & Expense be Equally Defrayed by y^e^ Contending parties And M^r^ Samuel Mason appearing to undertake on y^e^ part of y^e^ Moheagan indians to pay y^e^ one half of S^d^ allowance and Expence & y^e^ Agents of y^e^ Gov^r^ & Company afores^d^ on y^e^ part of the Gov^r^ & Company afores^d^ to pay y^e^ other half, and that they Should be Joyntly & Severally obliged for y^t^ Purpose

Therefore

We Roger Woolcot James Wadsworth Tho^s^ Fitch John Bulkly Joseph Fowler agents as afores^d^ & Sam^ll^ Mason all of s^d^ Colony Do hereby Joyntly & Severally bind and oblidge our Selves to pay unto Each of y^e^ S^d^ Commissioners the Sum of twenty Shillings Sterling money or Equivalent thereto for every Day Each of them have already Spent and Shall Spend in attending S^d^ Service and in coming to and Returning from the Court accounting a Reasonable time for their Respective travels

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upon his appeal to the superior court, from which last judgment he brought a writ of review, and on the 17th February 1740, the said judgment was affirmed; that thereupon he presented a petition to his Majesty in Council, praying an appeal from the said judgment in review of the 17th February 1740, which his Majesty was graciously pleased to grant by his order in council of the 19th of June 1742, and security was accordingly given for prosecuting the same: but the petitioner being informed by his counsel that he cannot prove his case without the records of the court below, and not being able to obtain the same, he most humbly prays that he may be permitted to proceed on the order of council of the 25th of May 1738, admitting him to an appeal from the said judgment of the superior court held at New Haven in the said Colony of Connecticut the first Tuesday in March 1732/3, on the

from and to their Respective habitations and also Each of their Expences the Said Days the Same to be adjusted and paid before y^e^ S^d^ Commiss^rs^ Leave y^e^ town of Norwich for all y^e^ time then past and for their Return home and also at y^e^ End of y^e^ Next Meeting for granting an appeal to be adjusted and paid foll all that Shall be Due for y^t^ meeting according to y^e^ above agreement in witness whereof we have hereunto Set our hands and Seals y^e^ Sixth Day of July ADom. 1743

JOSEPH FOWLER [Seal] ROGER WOLCOTT [Seal]
SAM^LL^ MASON [Seal] JAMES WADSWORTH [Seal]
Signed Sealed & De- THO^S^ FITCH [Seal]
livered in presence of JN^O^ BULKLEY [Seal]
W^M^ SMITH
DAN^LL^ EDWARDS

EXPENSES OF COMMISSIONERS ON MOHEGAN CASE.

NORWICH 19 August 1743. Received then of Roger Wolcott John Bulkeley & Joseph ffowler Esq^rs^ the Summ of Two hundred & Eighty four pounds Sterling for Our Attendance coming to & going from the Court held in Execution of the Commission within mentioned And for the Expences in Travelling the

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writ of error brought by the petitioner to reverse the said judgment of the court of probates, and that the petitioner may be now admitted to give security for prosecuting the said appeal as if he had done the same according to the said order: It is ordered by their Excellencies the Lords Justices in Council, that the said petition (a copy whereof is hereunto annexed) be, and it is hereby, referred to the Right Honourable the Lords of the Committee of Council for hearing appeals from the Plantations, to consider the same and report their opinion thereupon to their Excellencies at this Board.

AT THE COUNCIL CHAMBER, WHITEHALL, THE 18TH DAY OF JULY, 1745.

Present: Their Excellencies the Lords Justices in Council.

Upon reading at the Board a report from the Right Honourable the

Summ of Sixty five pounds Six Shi[ll] & Six old Tennor currency of Connecticut ffor which respective Summs we have also given a Seperate Receipt in full. Witness our hands.

CADWALLADER COLDEN
PHILLIP CORTLANDT
DAN: HORSMANDEN
JOHN RODMAN
ROB[T]: H: MORRIS

NORWALK octob[r] 26[th] 1743.

Then Rec[d] of Roger Wolcott James Wadsworth and Tho[s] Fitch Esq[rs] the Sum of fifty Six pounds Seventeen Shillings and Six pence Currant Money of y[e] Colony of New York for our attendance coming to and going from y[e] Commissi[rs] Court held in Execution of y[e] Commission within Mentioned and for y[e] Expences in Travelling all which is on account of y[e] within agreement. witness our hands and Date Last above S[d]

CADWALLADER COLDEN
PHILLIP CORTLANDT
DAN: HORSMANDEN
HENRY LANE
ROB[T]: H: MORRIS

Lords of the Committee of Council for hearing appeals from the Plantations, dated the 4th of this instant, in the words following, *viz:*

" . . . . . [The substance of Clark's petition is here repeated] The Lords of the Committee this day took the said petition into their consideration, and heard counsel as well for as against this petition, and do thereupon agree to report to your Excellencies as their opinion, that this petition of Samuel Clark ought to be dismist."

Their excellencies the Lords Justices this day took the said report into consideration, and were pleased with the advice of his Majesty's Privy Council to approve thereof, and to order that the said petition of Samuel Clarke be, and it is hereby, dismist this Board. Whereof the Governor and Company of his Majesty's Colony of Connecticut for the time being, and all others whom it may concern, are to take notice and govern themselves accordingly. *Colonial Records, IX, 591.*

I do hereby Acknowledge that the severall sums of money which appear to be paid by the above Receips were paid by the Agents for the Governor and Company to the persons who sign the said receipts agreable to the within stipulation or obligation

Signed in presence of SAM^{LL} MASON

ROB^{T}: H: MORRIS

DAN^{L} HUNTINGTON

JOSIAH WILLARD TO JONATHAN LAW.

Sir,

This is by Order of the General Court of this Province to acquaint your Honour, that they have appointed a Committee to meet such Gentlemen as may be appointed by the neighbouring Governm^{ts} of New Hampshire, Connecticut & Rh^{d} Island, in order to project Measures to prevent the further depreciating the Bills of Credit of these Governments or either of them, or otherwise to consider of some Method of bringing the s^{d} Bills to a Period in such a manner as shall be just & equal & most for the Interest of the Inhabitants of these Governm^{ts}. I am likewise to acquaint your Honour that the Committee for this Province have appointed that the Meeting shall be held at the Town of Worcester upon the first Wednesday in November next. If either the time or Place above mentioned be found inconvenient by your Government, It is desired that they together with the Governments of New Hampshire & Rh^{d} Island would agree upon some other place & time, & signify the same to our Committee (whose Names you will find in the inclosed Vote) or to the Chairman, that so they may conform thereto. You will

please to communicate this to the General Court of your Province at their first Meeting that so their Intentions may be known to us as to this important Affair as soon as may be.

I am
Your Honours most obedient
humble Servant
JOSIAH WILLARD.

BOSTON July 25. 1743.
The hon^ble^ Gov^r^ LAW

MASSACHUSETTS BAY ACT.

Province of the
Massachusetts Bay }

In the House of Repres^ves^ June 22. 1743.

Whereas the Bills of Credit of this Province & the Bills of New Hampshire, Connecticut & Rh^d^ Island have obtained a Currency in Trade promiscuously thrô the several aforesaid Governments.

It is therefore Ordered that M^r^ Speaker, M^r^ Hutchinson, M^r^ Oliver & M^r^ Cotton with such as the hon^ble^ Board shall appoint be a Com^tee^ to meet with such Gentlemen as may be appointed by each of the aforesaid Governments, in order to project some Measures for preventing the further depreciating the Bills of either or each of said Governments, or otherwise to consider of some Method for bringing the said Bills to a Period in such manner as shall be just & equal, & most for the Interest of the Inhab^ts^ of these Governments. And the Committee of this Province are directed to agree upon & propose a suitable time & place for Meeting, And the

Secretary is directed to acquaint the several Governments accordingly.

The Committee of this Province to report their Proceedings herein to this Court.

Sent up for Concurrence,

T. CUSHING Spk^r

In Council June 22. 1743. Read & Concurd & William Pepperrell, William Dudley, & Jacob Wendell Esq^rs are joined in the Affair.

J WILLARD Secry

Consented to, W SHIRLEY

Copy examined ℔ J WILLARD Secry

ANDREW STONE TO THE GOVERNOR AND COMPANY.

WHITEHALL Aug^t 15^th 1743.

Gentlemen,

The Lords Justices having taken into Consideration, the present uncertain State of publick Affairs and the Danger, that His Majesty's Dominions, in America, may be exposed to, from any sudden Attempt, that might be made upon them, in case a Rupture with France should ensue; in Consequence of the Steps, which His Majesty has already taken, in Support of the Queen of Hungary, and the Common Cause; and the vigorous measures, which the King is pursuing in all parts, for the same End; unless timely Care be taken to put the same into a proper posture of Defence; Their Excellencies have commanded Me to signify to you Their Directions, that you should employ the most effectual Means for putting the Colony, under your Command, into the best Posture of Defence, that shall be possible,

and that you should be constantly upon your Guard against any Surprize from any Quarter whatsoever. I am, Gentlemen

Your most obedient
humble Servant
ANDREW STONE

Gov^r & Company of Connecticut

[Indorsed] Andrew Stones Letter 1743

DECREE OF COMMISSIONERS OF REVIEW ON MOHEGAN CASE.*

At His Majesty's Court of Commissioners held at Norwich in Connecticut on y^e Sixteenth day of August 1743 by vertue and in pursuance of his Majestys Letters Patent Under y^e Great Seal of Great Britain bearing Date at Westminster y^e 8^th Day of January in y^e 15^th year of his Reign Authorizing and impowring the persons therein named to Reexamine, Review, finally decide & Determine the Cause or

* The Letters Patent authorizing this Court names the Lieutenant-Governor and nine members of the Council of New York and the Governor and twelve members of the Council of New Jersey, or any five or more of those named, as Commissioners "to re-examine, review, finally decide and determine the whole cause" or controversy between the Colony of Connecticut and the Mohegan Indians. The Court met and organized at Greenwich, Conn., May 4, 1743; the Commissioners present being Archibald Kennedy, James DeLancey, Philip Cortlandt, Henry Lane, and Daniel Horsmanden, all of New York. The next meeting was held at Norwich on June 28, and subsequent meetings were held there almost daily until the date of the decree, Aug. 16. Final meetings were held at Norwalk on Oct. 25 and 26; when after due proclamation "the commissioners departed without adjournment." The Commissioners present at each session of the Court after the first one were those who signed the decree, Colden, Cortlandt, and Horsmanden of New York and Rodman and Morris of New Jersey.

The full proceedings of the Commissioners of Review are printed in

Controversy depending between the Governour and Company of y^e^ English Colony of Connecticut in New England in America and the Mohegan Indians

Present

The Hon^ble^ { Cadwallader Colden, Phillip Cortlandt, Daniel Horsmanden, John Rodman, Robert Hunter Morris } Esq^rs^

M^r^ Colden, M^r^ Cortlandt, and M^r^ Rodman Delivered their Opinion Upon the Merits of this cause in y^e^ following Words viz^t^

Having Carefully Examind & Reviewd all and Singular the Proofs, Decrees & Sentences & the whole Process had and made by and before Joseph Dudley Esq^r^ and others Commissioners in y^e^ year 1705 — And allso Considered all new Allegations, Matters, Instruments, Writings and Proofs as well on y^e^ part of y^e^ Governour and Company of y^e^ Colony of Connecticut as on y^e^ part of the Mohegan Indians which have been proposd, exhibet[ed] and made to and before this Court relating to t[he] merits & circumstances of this Cause, We are of Opinion as follows

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the volume entitled "Governor and Company of Connecticut, | and | Moheagan Indians, by their Guardians. | Certified Copy | of | Book of Proceedings | before | Commissioners of Review, | MDCCXLIII. | London: | Printed by W. and J. Richardson. | MDCCLXIX. | " quarto; title, pp. xxi, 3–283; "A Map of the Moheagan Sachems Hereditary Country, Platted Aug^t^ 1^st^ 1705. By John Chandler, Surveyor." is folded in facing p. 49. Copies of this rare volume may be seen in the library of the Connecticut Historical Society and in the Connecticut State Library. A manuscript copy of the material contained in the above Book of Proceedings, certified by the autographs of three of the Commissioners, is also in the library of the Society. The manuscript differs from the printed copy in that it does not contain the map, or the certifications of the Commissioners' autographs which appear on the last two printed pages. Included with the manuscript and forming a part of the certified volume are printed copies of the Charter of Connecticut (New London, 1729) and of John Mason's "Brief History of the Pequot War," Boston, 1736, both of which

First. That the English on Connecticut River on the 14th of January 1638 enterd into Articles of Government and thereby agreed to Submit themselves to a Governour and Majestrates who were to be Annually Chosen.

Secondly. That Mr Hopkins was in ye year 1640 elected Governour and Mr Haynes Deputy Govr of ye Said English Subjects.

Thirdly. That After having carefully considered and Inspected ye Proofs and exhibets relating to ye Writing exhibited in Court bearing Date ye 28th of Sepr 1640 purporting to be ye Deed of Uncas alias Poquion Sachem of ye Mohegan Indians to ye Governor and Majestrates of ye English, We are of Opinion that ye Said Writing carrys with it all ye Marks of the Antiquity it is Suppos'd to be of,—The Body of ye Said Writing is agreed by all the Commissioners who Inspected it to be of the Same hand writing with ye Records of ye year 1639 exhibited in Court, and of a letter Dated at London ye 1st of May 1652 Subscribd Edward Hopkins, — And That the Said Edward Hopkins was Governour of ye Said English in ye year 1640, — the Name Tho' Stanton on ye Said Writing as Witness is the Same hand writing with an exhibt produc'd in Court which ye dis-

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are reprinted in the 1769 volume. This manuscript volume is probably the one laid before the Commissioners at their last meeting, Oct. 26, 1743, by the "agents of the governor and company . . . which copy, at their own expense, they have now ready drawn, to be compared and attested." The "Original Book of the proceedings of his Majesties Commissioners in Connecticut A D 1743" was filed in the Secretary's office of the colony of New York, Feb. 3, 1743/4.

The decree of the Court of 1705, which this decree revokes, is as follows: The said court do determine as followeth;

1st. That the said Oweneco is the true and undoubted Sachem of the Moheagan Indeans, being so owned by all of his tribe that were present at the Court, and also proved by living witness, of age and figure in the Colony, and also acknowledeged and treated with as the Sachm of the

cendants of Thomas Stanton an Indian Interpreter about y^e^ year 1640 believe to be y^e^ hand writing of their Said Ancestor Tho Stanton, — That y^e^ Marks of Uncas and Poxan an Indian Witness thereto appear by y^e^ heavy bearing of y^e^ hand on y^e^ paper and the Irregularity and Stiffness in y^e^ turnings to be made by persons not accustomed to form regular Shapes or figures and are done in Such manner as is not easy for any person to imitate. That y^e^ Said Writing is the Genuine Act and Deed of the Said Uncas.

Fourthly. That Uncas and Wawequay Sachems of the Mohegan Country by their Deed bearing date y^e^ 15^th^ of August 1659 Did convey to Major John Mason all the Lands then belonging to them.

Fifthly. That y^e^ Intendment of Major Masons Surrender enterd at a General Court held at Hartford y^e^ 14^th^ of March 1660 (at which time Said Mason was Deputy Gouernour and present in Court) was to yield up & Release to y^e^ Said Court or Governour and Magestrates whatever right he had to y^e^ Mohegan lands on Condition y^t^ the Indians Shou'd at all times thereafter be provided with a Sufficient quantity

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said Moheagan Indians in several leagues and treaties between the said Colony and Uncas; records whereof were produced in court.

2d. That Oweneco himself and his ancestors, with his people, have at all times served the interest of the crown of England and the colony of Connecticut in times of war, and have faithfully kept their leagues and treaties with the said colony.

3d. That the government of the colony of Connecticut have, at several times, and by several treaties and orders, acknowledged Oweneco and his father Uncas, with the Moheagan Indians, to have lands of their own; and accordingly settled the boundaries between the Moheagans lands, and such as had purchased of the said Indians.

4th. That Oweneco and his ancestors, with the Moheagan Indians, had a very good and undoubted right to a very large tract of lands within the colony of Connecticut, [lying to the eastward of Connecticut river] and that the English inhabitants of the towns of New-London, Norwich, Stonington, and others, have acknowledged the right of the said Moheagan Sachem to those lands; and many years since purchased of the said Oweneco and his

of land to plant on And that y^e^ Said Mason have land out of y^e^ Same Sufficient to make a Farm which Farm was afterwards in y^e^ year 1664 by the General Court at his desire granted to him.

Sixthly That the Confirmation of y^e^ Said Grant in 1659 by y^e^ Deed of Uncas and his two Sons Owaneco and Attawanhood to y^e^ Said Major John Mason bearing Date y^e^ 20^th^ of May 1661 Enures to Confirm whatever Title the Said Governour and Majestrates had by y^e^ deed in 1640 and by Said Major Masons Surrender.

Seventhly. That y^e^ Said Major John Mason did agree and Joyn with others of y^e^ Said English principally concernd and interested in y^e^ Colony of Connecticut in a Petition to y^e^ late King Charles y^e^ Second, and that y^e^ Said King Charles on y^e^ S^d^ Petition or Information by his Letters Patent under y^e^ Great Seal of England bearing Date at Westminster y^e^ 22^nd^ of April in y^e^ 14^th^ year of his Reign did incorporate and make them a body Politick by the name of *The Governour and Company of the English Colony of Connecticut in New England in America*, And

father considerable parcels of lands belonging to the said towns, of which purchases the said Oweneco is well satisfied, and makes no complaint.

5th. That all the lands that were reserved and left remaining unto the said Oweneco and the Moheagan Indians in the year 1683, were distinguished into planting and hunting grounds; their planting ground, part of it, situate between New London and Norwich, and contains eight miles in length, and four miles in breadth; one smaller tract about nine miles in length, and two miles in breadth, lying on the northern bounds of Lyme; one other very large tract of hunting land, lying between the bounds of the towns of Norwich, Lyme, Lebanon, Metabesset, and Haddam.

6th. That, for the better ascertaining and settling the bounds of those remaining lands of the Moheagans, the government of the colony of Connecticut, in the year 1683, did impower a committee of several gentlemen (one of whom was the then governor) to settle the bounds between Uncas, the Indian Sachem, and the plantations to which his lands adjoined; which committee accordingly, in 1684, did run and settle the boundaries abovementioned, and made return thereof to the general court, who approved

did Grant to y^e^ Said Governour and Company a large Tract of land in America including all y^e^ Mohegan Lands or lands in Controversy, whereby all the S^d^ Mohegan lands were vested in y^e^ Said Governour and company in full & absolute property and Right in law for y^e^ Uses & purposes Mentiond in y^e^ S^d^ Letters Patent, And that the S^d^ Major John Mason by his Petition, his accepting of and acting in y^e^ office of Deputy Governour, by vertue of y^e^ Said Letters Patent declares his Acceptance of and Acquaintance in the Said Grant.

Eighthly As the Sachems of the Mohegan Indians had no Right remaining in them to any of y^e^ lands in Controversy besides an aquitable right to a quantity of Land Sufficient for their Subsistence by planting, nothing cou'd pass by y^e^ Deed of Uncas, Owaneco & Attawanhood to Major Mason Dated y^e^ 14^th^ of December 1665.

Ninthly. That as no Right to or power over the Lands mentiond and Describd in a deed or Writing Subscribd by John Mason and Dated y^e^ ninth day of May 1671 appears to be in y^e^ Said John Mason the Said Deed can have no effect.

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and recorded the same, as appears by record; which survey, since the arrival of this commission, has been revised by Captain John Chandler, the late surveyor of the lands of New-London, with others in company with him, of which survey a plat has been exhibited to the court by the said Chandler.

7th. That Uncas, the father of Oweneco, to secure his lands, or some good part of them, to his family and people, in the year 1659, and again in the year 1665, did make over his lands in that country to Major John Mason, deputy governor of that colony, and of great friendship with Uncas, for the Indians use; and the said Mason, in the year 1671, the better to secure some of their lands to them and their posterity, reconveys, to Uncas and others, and their heirs, that tract of land between New-London and Norwich, for their planting, with an express limitation on that deed, that neither they nor their heirs should ever alienate the same, which after that time passed commonly by the name of the sequestered lands.

Tenthly. That it doth not Appear to be y^e^ Intention of the General Court to affect by their act of 1680, any Lands claimd or possesd by Uncas.

Eleventhly. That the Resignation by Uncas of all his Lands and Territorys by y^e^ Treaty between him & the Government of Connecticut y^e^ 18^th^ of May 1681, May and dos operate as a quitclaim or Release of all claims and Demands in Consideration of certain things afterwards to be done and performd by y^e^ Said Government, And y^t^ y^e^ Said Government might well accept of Such Quitclaim on y^e^ Conditions agreed to by y^e^ Said Treaty without any impeachment to their former Right, more especially if it be considered that one of y^e^ partys to that Treaty were Indians a barbarous People not then Subject to y^e^ regular course of any Law, easily misled by Misapprehensions, and as easily provok'd to violent Mischevous Actions, And that Considering y^e^ Grants of these lands had probably been Obtaind upon Considerations of Small value to y^e^ English, and that The Lands then were of much greater value,

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8th. That the government of Connecticut did approve of the said Major John Mason's being procurator, or guardian of the Moheagan Indians during his life, and of Major Samuel Mason, his son, after his death; and in the year 1660, do provide and determine, that the lands of the Moheagans should be disposed of, and ordered by the said Mason; and, in the year 1692, for the more effectual securing to the said Sachem and Moheagans their reserved remaining lands, direct and determine, that none of the lands recorded and confirmed to Oweneco, should, for the future, be passed away, without the consent of Captain Samuel Mason aforesaid.

9th. That, contrary to the reservations, treaties, and settlements above recited, the government of the colony of Connecticut have granted away considerable tracts of the planting grounds of the said Moheagans, amounting to about three thousand acres; and in particular, to the present governor of the said colony, and Gurdon Saltonstall, the minister of New-London, four hundred acres, which, upon oath, is found to be eleven hundred and upwards; and, in October last past, the government aforesaid, by a patent under the seal of the colony, granted the whole tract above mentioned, being the planting ground of the said Indians, to the proprietors of New London and their heirs for ever.

And did dayly grow more valuable, The S^d^ Government of Connecticut might out of aquitable and grateful Consideration towards y^e^ Said indians Covenant with them as is in y^e^ Said Treaty.

Twelfthly That in pursuance of y^e^ Said Treaty in 1681 the Government of Connecticut in y^e^ year 1683 ordered y^e^ Boundarys of y^e^ Mohegan Countrys to be Settled which was accordingly done y^e^ year following, And it appears as to the lands in Controversy that in pursuance of y^e^ Said Treaty reiterated purchases were made from y^e^ Mohegan Sachems of all the Lands in Controversy excepting those which y^e^ Said Indians Stil possess.

Thirteenthly That by act of y^e^ General Assembly y^e^ 13^th^ of October 1692 The Land Sets apart by Major Mason in 1671 and enterd on Record & which were afterwards call'd y^e^ Sequesterd lands are confirmd to Owaneco and his son Mahomet and are Supposd to be more than Sufficient for y^e^ Subsistance of y^e^ Mohegan Indians by y^e^ leave given to S^d^ Sachem to Sell of them with y^e^ Consent of Samuel Mason and Some parts of Said Sequesterd lands were

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10th. That the said Sachem and Moheagan Indians have been very unjustly dispossessed and turned out of a tract of planting ground, called Massapeage, lying within the township of New-London; the improvement of which land is reserved, by the said Sachem and Moheagans, to themselves, by their deed to New-London.

11th. That the town of Lyme, under pretence of their grant of their township from the colony, have taken into their improvement that tract of the Moheagan lands bounded upon their township, containing about nine miles in length, and two miles in breadth.

12th. That one other very large tract of their hunting ground is granted away from the Moheagans to the township of Colchester, viz. that large tract of land between Norwich and Haddam, Lyme, Lebanon, and Metabesset.

13th. That the said Moheagan Indians are a considerable tribe or people, consisting of one hundred and fifty fighting men, formerly a much greater number, and cannot subsist without their lands, of which they have been deprived and dispossessed as aforesaid.

accordingly Sold with the Consent of y^e^ S^d^ Mason but this Act contains no confirmation or allowance of John Masons power to Entail or Grant by himself as by his Deed in 1671.

Fourteenth, That if it be Suppos'd that y^e^ Indians Since y^e^ Kings Letters Patent of 1662 have a Title in law to any part of y^e^ Mohegan Country they have conveyd y^e^ Same to y^e^ Kings Subjects of y^e^ Colony of Connecticut by Sales and Conveyances well made Since that time.

Fifteenth, That after Caesar than Mohegan Sachem's Sale and Grant to Peter Mason for y^e^ Use of the Town of New London by deed dated y^e^ 30^th^ of May 1715 if the Government of Connecticut had not interpos'd y^e^ Mohegan Indians would not have had one foot of land in y^e^ Colony of Connecticut.

Sixteenth, That y^e^ Governour and Company having procur'd and obtaind from y^e^ Town of New London a Surrender of the Said Deed of y^e^ year 1715 to Peter Mason & afterwards by Act of their Gen^ll^ Court of the 11th of May 1721 Effectually and for ever Secured a Tract of between four and five Thou-

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That the said Oweneco with his people hath been extremely disturbed and grieved at the proceedings beforementioned of the colony of Connecticut towards them; and have frequently applied themselves to the general assembly of the said colony, by their agents, Major Samuel Mason and Captain Daniel Clark, for redress, but could obtain none; whereby they have been reduced to great want and necessity, and, in this time of war are in great danger of deserting their ancient friendship.

Whereupon, the said court are unanimously of opinion, that the said Oweneco and the Moheagan Indians ought to be restored to, and put into the possession of, the said lands, having been unjustly deprived and dispossessed of them; any act or order of the general assembly of the colony of Connecticut, or other proceedings, to the contrary notwithstanding.

It is therefore considered and determined by the said court of our said lady the queen, that the said Oweneco Uncas and the Moheagan Indians shall be immediately put into possession of all their planting ground, lying between New-London and Norwich, containing eight miles in length, and four miles in breadth, or thereabout, as the same is surveyed and marked;

sand acres of land Scituated on y^e^ Mohegan River between New London old line and Norwich for y^e^ use of y^e^ Mohegan Indians, and the Said lands being reputed good & valuable Lands the Same is Sufficient for y^e^ Tribe or Nation of Mohegans to plant on for their Subsistance

Seventeenth That the Governour and Company of y^e^ Colony of Connecticut have treated y^e^ S^d^ Indians with much Humanity at all times and have at all times provided them with a Sufficiency at least of lands to plant on — and that no Act or thing Appears either before y^e^ Said Judgment of Joseph Dudley Esq^r^ or Since by which they y^e^ S^d^ Governour and Company had taken from y^e^ Said Indians or from their Sachem any Tract or Tracts of Lands to which y^e^ Said Indians or their Sachem had any Right by Reservation or otherwise either in Law or Equity.

Lastly That y^e^ Said Judgment of Joseph Dudley Esq^r^ and others in y^e^ year 1705 in every part thereof except So far as relates to y^e^ Said Tract of between four and five Thousand Acres of Land Secured to & Settled on y^e^ Mohegan Indians by y^e^ Said act of the 11^th^ of May 1721 ought to be Reversed & Declared Null and void.

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as also of another smaller tract upon the north bounds of Lyme, containing nine miles in length, and two miles in breadth, the westerly end whereof lies upon Connecticut river; and also one other larger tract of hunting land between the bounds of Norwich and Haddam.

And also, that the said Oweneco and the Moheagan Indians be restored to the improvement of their planting ground, called Massapeage, within New-London aforesaid; and also that the said Oweneco Uncas recover his just costs and charges.

And that the governor and company of the colony of Connecticut, according to her majesty's pleasure, signified to them in her gracious letter, bearing date the 23d of March 1703, be certified of the determination aforesaid, and be required immediately to cause the said Oweneco Uncas and the said Moheagan Indians to be restored to the enjoyment and possession of the several tracts and parcels of lands above recited.

Book of Proceedings.

Whereupon it is Considered, Determind and Decreed by y^e^ Court of our Lord y^e^ King

That y^e^ Definitive Decree in Writing by Joseph Dudley Esq^r^, Edward Palmes, Giles Silvester, Jahleel Brenton, Nathaniel Byfield, James Avery John Avery John Morgan and Thomas Leffingwell Made & published on y^e^ 24^th^ of August in y^e^ year of our Lord 1705 In favour of Owaneco Uncas (then chief Sachem of y^e^ Mohegan Indians and y^e^ Mohegan Indians at a Court of Commissioners then holden at Stonington in Said Colony by vertue of & in pursuence of Letters Patent from her late Majesty Queen Anne bearing Date at Westminster in y^e^ 3^d^ year of her Reign, And every part thereof be Revoked, repealed and Made void Excepting only as to So much of the Said Definitive Decree as concerns that part of the Sequesterd lands lying between New London old line and y^e^ South bounds of Norwich containing between four and five thousand acres, now in y^e^ Possession of y^e^ Said Mohegan Indians and Secured to them by one Act of Assembly of the Colony of Connecticut passed on y^e^ 11^th^ Day of May 1721 — And the Said Definitive Decree and every part thereof Excepting as before Excepted is hereby Revoked, Repeald and declared Null & Void.

And as to y^e^ Said Lands So Secured to the Said Indians by Act of Assembly as Afores^d^ the Said Definitive Decree is hereby Affirmed & Decreed to be good Valid and Effectual.

CADWALLADER COLDEN
PHILLIP CORTLANDT
DAN. HORSMANDEN*
JOHN RODMAN
ROB^T^ : H : MORRIS

* See Daniel Horsmanden's dissenting opinion under date of May 29, 1744.

LORDS OF THE ADMIRALTY TO THE LORDS JUSTICES.

May it please Your Excellencys,

The Difficulty of keeping His Majesty's Ships of War, that are employed in America, sufficiently manned to perform the Services they are sent on, is in its self great, from the unavoidable Causes of Death & Desertion, the latter of which is grown familiar among the Seamen, either for the sake of high Wages given by the Merchants, or from their own natural Levity; But the Obstructions given by the People of those Colonys to the usual Methods of pressing, made use of by the Captains of His Majesty's Ships, to recruit their Complements, have of late been so violent, & carried on with such Instances of Contempt of Government, & such personal ill Treatment of the Captains that We think it incumbent on us humbly to lay before Your Excys, in the annexed Paper, Copys of the Complaints we have received from the said Captains on that Head, within little more than the Space of a Year past, whereby Your Excys will perceive, that some of the said Captains have been mobbed, others emprisoned, & afterwards held to exorbitant Bail, & are now under Prosecutions carried on by Combination, & by joint Subscription towards the Expence.

The chief Reason, that we can find for such Opposition is a Belief prevailing among the People there, that the American Act made in the War of Queen Anne, which forbid pressing in America, is still in Force.

We have sent to the respective Governors & Judges of Vice Admiralty in all the Colonys; the Opinion of S^r^ Edward Northey, & of the present Attorney General, & of S^r^ John Strange all agreeing,

that the said American Act expired with the War, in which it was made; Copys of which Opinions, & of the Letters accompanying the same, to the Governors & Judges of the Vice Admiralty are annexed.

In the Press-Warrants, which we give to the Captains of His Majesty's Ships in America, they are strictly required not to distress either the Merchant Ships, or the Privateers, Copy of which Warrant is annexed; & the Captains inform us, that it is their usual way to take only one Man out of five or six, & if they have any Spanish Prisoners, they allow them One for each Englishman so prest, to assist in navigating the Merchant Ship home to England.

The Governors of the Colonys appear indeed to show a Disposition to help the Captains of His Majesty's Ships to get Men, when they apply to them; but whether that Disposition be real, or that they want Authority, the Captains find little or no Help from them to procure Seamen, nor even to protect them from the Rage & Insults of the People.

The Consideration therefore of the many ill Consequences that may attend His Majesty's Service if the Captains of the Men of War are liable to be thrown into Jail, abroad in the Plantations, by any disaffected Persons, at a time perhaps that they are going on some Expedition or Service of Importance against the Enemy, & always while they are in the Execution of their Orders to protect the Colonys & their trade; That such ignominious Usage exposes their Commission to Contempt, & makes them less able to maintain their Command on board His Majesty's Ships with Honour & Discipline, & also that while the Opinion remains of the American Act being in Force it will be impossible for His Majesty's

Ships to recruit the Deficiency of their Complements; are our Reasons for humbly laying this Matter before Your Excȳs; to whom it is humbly submitted.

WINCHILSEA
J. COKBOURNE
BALTIMORE
GEO. LEE *

Admiralty Office
26th Septr 1743

To Their Excȳs the Lords Justices.

[Indorsed] Copy of the Representation of the Lords of the Admiralty to Their Excȳs the Lords Justices. 26th Septr 1743.

THOMAS CORBETT † TO THE GOVERNORS IN AMERICA

Copy of a Letter from Mr Corbett to the several Governors of his Majestys Colonies in America dated the 19th August 1743.

My Lords Commissioners of the Admiralty having had frequent Complaints made to them by the Commanders of his Majesty's Ships & Vessels in America, that they are often interrupted in their endeavours to procure Seamen to make up their Complements in order the better to enable them to exe-

* Daniel Finch, seventh Earl of Winchelsea and third Earl of Nottingham, was appointed first Lord of the Admiralty March 16, 1741. Charles Calvert was sixth Lord Baltimore. George Lee was appointed a Lord of the Admiralty March 19, 1742. *Dictionary of National Biography; Collins's Peerage of England.*

† Thomas Corbett was secretary to Viscount Torrington during an expedition to Sicily, 1718-1720. On his return to England he was appointed Under Secretary of the Admiralty. In 1742 he became Senior Secretary and probably held that office until his death in 1751. *Dictionary of National Biography.*

cute their Lordships Instructions for protecting the Trade of the Colonies they attend on, and annoying the Enemy; and it appearing to their Lordships, that the obstructions the Captains meet with from the Inhabitants in America & Masters of Merchant Ships trading there, is chiefly grounded upon an Opinion prevailing among them, that the American Act, made in the Reign of Queen Ann, prohibiting the pressing in America is still in Force; I am commanded by their Lordships to send you the inclosed Opinions of Sir Edward Northey; His late Majesty's Attorney Gen[l], and of Sir Dudley Ryder Attorney, and S[r] John Strange Sollicitor Gen[l], by which you will plainly see, that the American Act, on which the Inhabitants and Masters of Merchant Ships lay so much Stress, expired at the end of the late French War.

Their Lordships hope that when these Opinions come to be better known in the Colonies, And that the people there are sensible that His Majesty's Ships want Men for no other use than to protect their Trade and Settlements, and guard them from their Enemies, there will not be any more such Disputes raised, and obstructions given to the necessary Work of Manning them; And their Lordships recommend it to you to settle Men's Minds on this point, as you see occasion, and to give all necessary Assistance to His Majesty's Officers to procure Men, when they apply to you for that purpose.

[Indorsed] Copy of a Letter from M[r] Corbet to the Governors in America.

in the Lords of the Adm[ty's] of Sept[r] 26[th] 1743.

OPINIONS ON THE AMERICAN ACT.*

Copy of the Opinion of the late Sir Edward Northey His Majesty's Attorney General, in Relation to the American Act, dated the 10th: February 1715/6.

I am of the Opinion that the whole American Act was intended, and appears to have been intended only for the War.

EDWARD NORTHEY.

Copy of the joint Opinion of Sir Dudley Ryder Attorney, and Sir John Strange Solicitor General, in relation to the American Act dated the 17th July 1740.

We have perused the several Clauses in the American Act, and by comparing the several Clauses

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*Anno sexto Annæ [1707] Cap. XXXVII.

An act for the encouragement of the trade to America.

IX. And be it further enacted by the authority aforesaid, That no mariner or other person who shall serve on board, or be retained to serve on board any privateer, or trading ship or vessel, that shall be imployed in any part of America, nor any mariner, or other person, being on shoar in any part thereof, shall be liable to be impressed or taken away, or shall be impressed or taken away by any officer or officers of or belonging to any of her Majesty's ships of war, impowered by the lord high admiral, or any other person whatsoever, unless such mariner shall have before deserted from such ship of war belonging to her Majesty at any time after the fourteenth day of February, one thousand seven hundred and seven, upon pain that any officer or officers so impressing or taking away, or causing to be impressed or taken away, any mariner or other person contrary to the tenor and true meaning of this act, shall forfeit to the master, or owner or owners of any such ship or vessel, twenty pounds for every man he or they shall so impress or take, to be recovered with full costs of suit, in any court within any part of her Majesty's dominions.

Pickering's Statutes at Large, XI, 438.

together, it seems to us that the Act is not now in force, but expired at the end of the then War.

D. RYDER. J. STRANGE.

LORDS OF THE ADMIRALTY TO CAPTAINS OF SHIPS IN AMERICA.

Copy of an Order from the Lords Commiss[rs] of the Admiralty, to the several Captains of His Majesty's Ships in America.

Whereas You will herewith receive Press Warrants to enable You to raise Men for keeping up as much as possible the Complement of the Ship under Your Command, You are hereby required and directed to put the same in Execution for that purpose, as there shall be Occasion: But as it is not meant, that the Trade of His Majesty's Subjects in America, or Ships provided with Letters of Marque to Cruize against the Enemy, should be distressed thereby, but only that such prudent Use be Made of said Press Warrants, as may enable You to procure Men to Make up Your Complement, when proper Opportunity offer of it, You are to take great Care, that no Indiscreet or Unreasonable Use be made of them, and never to Molest the Chief Officers, such as the Master, Mate, Boatswain, or Carpenter, or any Seamen found on board with Protections granted by Us, pursuant to Act of Parliament Given under Our hands &c[a].

[Indorsed] Copy of an Order to the Captains of His Majty's Ships in the West Indies. . . . . in the Lords of the Admty's of Sept[r] 26[th] 1743.

LETTERS FROM CAPTAINS OF SHIPS IN AMERICA.

Extracts of Letters from Commanders of His Majesty's Ships Stationed at the Colonies in America, representing the Difficulties they lye under, in procuring Seamen to keep up their Complements.

Capt Scott of the Astrea Storeship, dated at New England, the 26th of June 1741.

I am now ready to proceed to Jamaica with a Loading of Masts for the Fleet there, and should have sailed sooner, but was delayed for want of Men, between 40 & 50 having deserted by the Enticements of the People at Boston, and the large Wages given by the Merchants; and tho' I made several Remonstrances to the Governor, in order to procure Men, it proved ineffectual, for I had no Relief from him so that I was obliged to lye in Nantasket Road till I had pressed a sufficient Number of Men from Merchant Ships to enable me to proced with the Ship to Jamaica.

Capt Hardy of the Rye, dated at South Carolina, the 26th of April 1742

I should have been ready to have Sailed sooner, had I not met with great Difficulty in getting Men to compleat my Complement. I was pursuing the usual Methods of pressing out of Merchant Ships, with as much Caution as possible not to injure the homeward bound Trade, when a Merchant of this Place took the Advantage of an Act of Parliament made in Queen Annes time, that lays a fine of 20l Sterling and Costs of Suit if an Action is brought against any Officer who shall impress any Seaman out of a Privateer, or any trading Ship on the Coast of

America; which Proceedings discouraged me from pressing any more.

Capt Hardy of the Rye dated at South Carolina the 3^{d} of January 1742/3

The Spy Sloop being otherwise ready to Sail on a Cruize for protecting the Trade, but wanting Thirty Seamen of her Complement, I applyed to the Lieut^{t} Governor for his Assistance in procuring them who issued his Warrants for that purpose; but they were attended with no Effect because the Governors Warrants have always this Restriction, that the Constables or Captains of the Watch, who execute them are not to take up any Seamen belonging to any Merchant Ship in the Port.

The Spirit of prosecuting on the Statute of the 6th of Queen Anne reigns here more than ever; insomuch, that I am informed the Merchants have entered into a Subscription to prosecute Capt. Hamar on his Return from his Cruize, for every Man he impressed; and they declare it is their Intention to prosecute every Captain of a Man of War, who shall impress any Seamen out of their Ships

Capt Hamar of the Flamborough dated at Carolina the 18th Dec^{r} 1742.

I should have been ready to sail on a Cruize three Weeks ago, but that I wanted Seamen, whom I was obliged to get by pressing out of Merchant Ships as they came in, as I could get no Assistance from the Government here; but on the Contrary I am informed that several Masters of Merchant Ships and others are collecting together a Sum of Money, in order to prosecute me and all the Captains of His

Majesty's Ships on this Station for impressing their Seamen.

Capt. Hamar of the Flamborough dated at Carolina the 1st of March 1742/3

I am in want of Men, which I apprehend will be with very great Difficulty got here, as the trading People seem resolved to put the Law in Execution against impressing of Seamen; and We have found by Experience. that the Lieut Governor is but little able to furnish us with Seamen.

Capt Bladwell of the Swift Sloop dated at Carolina the 1st July 1743.

Great Inconveniences & Hardships attend Us all in getting Men to do the Duty We are sent upon. Since I have been in this Port I have prest twelve Men, taking one out of Six, which is very easy, and not hurting the Trade, of whom I have been obliged to return seven, or should have been sued by the Lawyers; and I am now Eleven Men short of Complement. Capt Hardy is now under Arrest, and has given in Bail. I hope their Lordships will take this matter into Consideration, or I believe His Majesty's Ships here will be obliged to lye in Harbour, instead of guarding the Coast from Our Enemies.

Capt Ellis of the Gosport dated at New York the 9th of June 1742.

I applyed to the Governor, acquainting him with the Desertion of Our Men, being above 100 short of Complement, and desired an order of Council might be made to take up every Seaman that had not a Pass: he mentioned it to the Council, but they did

nothing in it. I am informed by the Governor, there is an Act of Parliament at the first settling these Colonies, that no man shall be pressed here, on the Penalty of twenty Pounds, and is not repealed

Capt. Ellis of the Gosport, dated at New York the 3^{d} Septem^{r} 1742.

On the 23^{d} of July I acquainted the Governor that the only Obstacle to our Proceeding to Sea, to protect the Province from the Enemy, was the Want of Hands, and desired his Assistance; he accordingly issued Warrants for taking up Idlers & such Seamen as did not belong to any Merchant Vessell; This proving ineffectual, and receiving an Order to repair immediately to the Relief of Georgia, I communicated the same to the Lieu^{t} Governor who called a Council thereupon & pursuant to their Advice, I advertised for Volunteers, promising to discharge them at my Return from the Expedition But this had no Effect; upon which I again applyed to the Lieu^{t} Governor and desired an Embargo might be laid upon Merchant Ships till His Majestys Ship was manned; he inform'd me by Letter "That he had communicated my Request to the Council who were unanimous against an Embargo"; and added "I hope some effectual Method will be taken to man the Station Ships, for the exorbitant Wages the Merchants Give will unavoidably occasion great Desertions" upon this I represented, that I must be obliged to make use of the only Method left to Man the King's Ship by pressing Seamen out of all Merchant Ships that attempted to pass by me, for which the Merchants threatned to sue me, and the Mob to take away my Life

Capt. Gordon of the Hound Sloop dated at Virginia the 9th June 1743

The greatest Grievance to His Majesty's Officers is just started up here, which if not duly attended to, may be of very bad Consequence to the Service in general. Several Traders have entered into a Combination to prosecute every Captain who shall press a Seaman in Virginia, tho' it be even a Deserter from his own Ship; and in Consequence of this, Capt Dandridge of the South Sea Castle and my Self are under prosecutions; Capt Dandridge for taking one of his own Deserters from a Vessel; and my Self for taking Men from an outward bound Ship, when it is notorious that I have never taken a Man out of any outward bound Vessel since my being on the Station, and very few from the homeward; as will appear, if ever there shall be a Tryal.

Capt Lisle of the Scarborough dated at Barbadoes the 11th Decr 1742.

No Ships having arrived here since my coming in has hindered my Compleating my Complement of Men and West India Governors are so tenacious of what they call their Prerogative, that it's difficult to raise any from the Shore. The Tenets they hold here are of full as ill Consequence to Trade as to His Majesty's Service.

Capt Knowles of the Suffolk, dated the 21st Septemr 1743.

The Squadron lately under my Command, being at Antigua refitting after the Attempts made upon la Guira & Porto Cavallos, and being greatly Weakned and reduced by the Actions at those Places, and a

Privateer coming into the Harbour on the 3d of June, Capt. Gage of the Lively sent his Lieutenant and Boats to press her Men; but the Privateers People Arming themselves confined the Lieutenant and Boats Crew, fired at the other; and run away with the Boat; and at the same time a Merchant Ship coming out of the Harbour; the Privateer fired at her and obliged her to send Boats to assist them in making their Escape, soon after I procured Rouse a Lieutent of the Privateer, and Chief Ringleader in the Affair to be secured, in order to prosecute him to the Rigor of the Law, to prevent others from making the like Resistance to the King's Ships; But several People of the Island, who hired the Privateer, applying to Governor Mathew, and a great Mob being raised, who were joined by Several of the Privateers People armed, Mr Mathew thought fit to release Rouse, and the next Day my Self & Capt Gage were arrested & Carryed to Goal where We remained two Days & a Night, 'till We gave Bail in twelve Thousand Pounds each. A few Days after a Habeas Corpus was procured for the Releasement of several of the Privateer's Men, who some of the People that hired the Privateer, understood were still on board the Suffolk or Lively; and my Self & Capt Gage were threatned to be arrested in another Action, if We refused to comply with it; whereupon I applyed to Govr Mathew to interpose his Authority, which he attempting to do, they clamoured loudly against him, and advised him not to concern himself in the Affair, urging it was a Matter of Common Law and what he had no Business with.

A short time after, Capt Smith, Comander of the Pembroke's Prize, impressed some Men at St Christophers; upon which the Privateers Crew joined with

People there in an armed manner, came of in the Road, seized the King's Boat hauled her on Shore, and threatned to burn her, if the Capt. would not return the prest Men, which he was obliged to do, to save his Boat, and People's Lives; and after they were released, the Captain was sued in an Action of £500.

[Indorsed] In the Lords of Admty of Septr 26th 1743.

BENJAMIN COLMAN TO ROGER WOLCOTT.

BOSTON Sept 22. 1743.

Sir

I am favour'd with your Honours obliging Commands, & your Communication to me of ye Judgment of ye late Honble Commissioners from ye King, in favour of your Colony & of the Moheag Tribe; on wch I heartily congratulate your Honr & the Colony, & pray your Honour to make my Compliment to Govern Law thereon; beseeching God to give alwayes much of the Spirit of Wisdom to ye Government; & have it alwayes in all its just Liberties & Properties, under his Gracious Protection.

A Ship being just ready to sail for London, I have already transmitted ye Papers you covered to me, together with Your Honours Letter to me, & Coll. Bulkleys & ye Revd. Mr Adams of New London also; & commended them to ye careful Inspection & Regard of my Hond Friends Dr Benja Avery Chairman of ye Committee of the Dissenters, whose Access to ye Great Ministers of State is alwayes open & his Influence great as ye Representative of so great a Body in ye Election of Parliament Men; & also of Henry Newman Esqr who is known & esteemed highly by

a multitude of Superior Persons in State & Church, for his Virtue & Integrity; & also to Capt Thomas Coram in the Naval Office, whom had I wrote to, as I did to Mr Holden, when Mr Mason went over he had never got access to ye King as he did wth his Indians: for it was by Mr Corams Interest in a Noble Duke (as he wrote me with a Sincere Pleasure in what he had done) that ye King saw them & gave Mason some hund. Guineas to support him & his Sham Sachem in their Efforts against ye Colony & your Moheags: When I inform'd Capt Coram of ye wrong Step he had taken, he much regretted it, & renounc'd Mason as a Cheat; & I doubt not wil now readily joyn with ye other Gentlemen in detecting & opposing it.

The worthy Mr Palmer, your Agent is intimately known to Dr Avery, & vastly esteemed by Him; & I have desired Mr Newman to communicate all ye Papers & Letters to him; altho' I have not written my Self to him, believing that he wil receive ye fullest & speediest Account from your Government.

I hope His Honour Governr Law, wil with Your Honour Coll. Bulkley & Mr Adams, think well of the Steps I have taken at their Desire in the Service of your Colony; which it is very likely wil be my last, for in less than a Month I shal have compleated my Seventieth Year; a life wch when I look back upon has I think been more filled with Services of a public Nature, a little out of my private Line, than in those of my particular Station & Office: but therefore (it seems to me Sometimes) that God led me in my Youth to England, & wil of his free Grace in Christ Jesus our Lord forgive the Unprofitableness of it.

I entreat Your Honour to spare me my particular Acknowledgments to Coll. Bulkley & Mr Adams

for their kind Letters, & let 'em know with what Pleasure I have endeavoured to answer their Desires; & am their & Your Honours

most Obliged & Obedient
Humble Servant
BENJAMIN COLMAN

L. Gov^r Wolcott
[Superscribed] For the Honourable Roger Wolcott Esq
Dep^ty Govern^r &c at Windsor
[Indorsed] D^r Coleman Sep^r 22 1745 *

ANDREW STONE † TO THE GOVERNOR AND COMPANY.

WHITEHALL. October 1^st 1743.

Gentlemen,

I am commanded, by Their Excellencies The Lords Justices, to transmit to You, herewith, a Representation from the Lords Commiss^rs of the Admiralty, Setting forth the Obstructions, given by the Inhabitants of His Majesty's Colonies, and Plantations in America, to the Captains of His Majesty's Ships of War, in procuring Men to recruit the Complements of Their Ships, and in retaking such Sailors, as have deserted from them: and Complaining particularly, That Several of the said Captains had been insulted by the Populace, and forced to release such Men, as They had impressed, and even Deserters from Their own Ships: And That other Captains had been imprisoned, or forced to give exorbitant Bail upon Actions brought against Them, for impressing Seamen;

* This date is an error for 1743, caused probably by the indistinctness of the date at the beginning of the letter.

† Stone was a man of much political activity and influence and a holder of many official positions. In 1744 he was a secretary to the Lords Justices, and apparently he held that position at the time of writing this letter. *Dictionary of National Biography.*

Which Proceedings Their Lord^ps represent to be occasioned by a Notion prevailing in those Parts, That the Act of Parliament, which passed in the Reign of the late Queen Anne, (and which is commonly called The American Act, by which the Impressing Men for the Sea Service in America, was prohibited), is still in Force: Whereas You will see by the Copys, annexed to the said Representation, of the Opinions, signed by S^r Edward Northey, Attorney General to His late Majesty, and by Sir Dudley Ryder, His Majesty's Attorney General, and S^r John Strange, late Sollicitor General, That the said Act is not now in Force: And I am therefore commanded to signify to You Their Excellencies Directions, That You should exert Your utmost Authority in preventing, for the future, such Riots and Disorders, as are complained of, by the said Representation; And That You should assist the Commanders of His Majesty's Ships in procuring Seamen, to make up Their Complements, whenever They shall make Application to You for that Purpose; As also in retaking Deserters from the said Ships.

I am,
Gentlemen,
Your most obedient
humble Servant
ANDREW STONE

Governor and Company of Connecticut.

[Indorsed] Lords Justices in 1743 To favor Impressing men on board the Kings ships

GENERAL ASSEMBLY COMMITTEE REPORT ON HERBAGE IN NIANTIC INDIAN LANDS.

To the Hon^ble Generall Assembly to be Conveen'd at New Haven Octob^r y^e Second Thirsday 1743

Whereas your Hono^{rs} at your Sessions in May Last (Upon the Petition of the Niantick Indians) Appointed us the Subscribers a Com^{tee} to Repair to S^{d} Niantick and Enquire & Report what Right y^{e} English Proprieto^{rs} have to the herbage of the Indian fields, & how they ought to be Improv'd, And whether the s^{d} Claimers trespass on S^{d} Indian rights; — Haveing first Notified S^{d} Claimers we repaired to S^{d} Niantick and Enquired into y^{e} Affair and take Leave to report

1^{d} that Some of the Claimers produced a Deed from Mess^{rs} Joseph and Jonathan Bull, by which Deed among other things was Convey'd to M^{r} Nehemiah Smith the herbage of one hundred Acres of Land at Black point Said to be purchased of the Niantick Indians as Appears of Record, but no record of S^{d} purchase Appeared to us —— They Likewise produced an Agreement between y^{e} English & Indians Proprieto^{rs} of Black-point wherein the Indians Agree that the English Proprieto^{rs} Should have the pastureage of their land, from the time of Gathering their Corn at Michaelmas, till may day following and that After the Expiration of three years they would not Sell the Grass that Should be Cut on their land to any other person but the English proprieto^{rs} of S^{d} Neck —— Said Agreement was Dated Dec^{r} 19th 1681.

Signed.

the mark of	Joseph Sill
Wagowhe X Sachem	Richerd Christophers
the mark of	Thomas Lee
Wampaquas X Captain	Jonathan Prentice
Taw meeshkhong X his mark	John Lay
Poquiantoup X his mark	Thomas Dunk
	Matthew Griswold Jun^{r}

2d the Indians that were present Unanimously Agreed that the English Proprietors had Allways beyond their memory enjoyed the whole of the herbage of the Upper and Lower hundred Acres, And the pasturage of the Middle hundred Acres, but the benefit of planting & mowing Sd Middle hundd the Indians had Enjoy'd

3d It appeared to us that a Considerable part of the Lower hundred Acres was Inclos'd in a field with the Land of Messrs Jonathn & John Prentices and well Secured for ye Improvmt of the Indians by Planting. The remainder of Sd Lowr hundred Acres Lyes in Common with land of Sd Prentices and is Improv'd for pastureing ye Cattle of Sd Prentice's, and the Indians Hoggs, Except Some Spots that are Inclos'd by the Indians for planting.

4th As to the Improvmt of Sd lands for the future we Judge it best that the English Claimers do not pasture it till the tenth of October. Nor After the first of May Annually, to which Season the English Claimers and the Indians present Seem'd well to Agree.

5th As to the Claimers Trespassing on Sd Rights it Appeard to us by the Accounts of both parties that in the Summer past Little or no damage had been done by the Claimers in the Indian Improvements, All which is Humbly Submited

By your Honors Most Humble
And Obedient Servants

SAMUEL LYNDE
JED. CHAPMAN
JOHN TULLY

Niantick in Lyme
Octobr 7th 1743

In y^e^ Lower House The Above Report Read and Approved and Ordered to be Kept on file

Test Jn^o^ Fowler Clerk

WILLIAM SHIRLEY TO JONATHAN LAW.

Sir,

Having received Dispatches from the Lords Justices of Great Britain to the several Governors in North America, I have sent them Express by John Barker, who will deliver that directed to Your Honour. His Majestys Service being so much concerned in the speedy Delivery of these Letters; I must desire you would give Orders that my Messenger be furnished with fresh Horses in you Government to carry him to New York, If he should find Occasion for it. I am

Sir

Your Honour's most obedient humble Servant

W SHIRLEY

Boston Octob^r^. 11. 1743

P. S. I have certain Information, upon w^ch^ I can depend, y^t^ M^r^ John Tasher belonging to Marblehead within this province, has large Commissions from the Gov^r^ of Louisburg to buy up provisions to be shipt off to Cape Breton; and has left this place & proceeded southward in order to execute his Commissions: As it is possible, he may be dealing in your Governm^t^; I thought it would be proper to apprize you of it & am as above

W S

SAMUEL WELLES TO JONATHAN LAW.

BOSTON, January 18th 1743/4

[ ]*rable Sir*

Your favour of 30th Novembr last I Recd from Mr Stanly with a Packet for Mr Palmer, which I carefully & gladly forwarded by Capt Craig in a good Ship bound directly to London, which I saw put into his Cabin, Just as he was Sailing, & which he promist me to deliver with his own hand, & which I believe will be in Mr Palmer's hand before this will be in your Honrs.

I discourst Dr Colman on the affair of Dr Avery, but he could say nothing in particular, but told me, as he held a constant correspondence with him, he would gladly say any thing to serve the Colony, if he was apprised of the particulars of the affair, I have since heard some confused & broken Hints & stories about the grounds [ ] of Dr Averys uneasiness, but as [ ] from a great favourer of our late [ ] fervours, I tho't it was best loking for a more impartial representation.

I shall be glad of any opportunity to Serve my Dear Native Country & to Shew that I am your Honrs

most faithful obedt &
most humle Servt
SAMUEL WELLES.

Honle Govr Law

P. S. The inclosed letter is of some considerable importance & I would beg your care that it may be safely and speedily conveyed S. W.

[Superscribed] On the Public Service To The Honorable JONATHAN LAW Esq Governr &c In Milford to be left with Col Stanly for Conveyance

FRANCE'S DECLARATION OF WAR AGAINST ENGLAND.*

The French King's Declaration of War.

By the King.

Upon the breaking out of the Troubles after the Death of the Emperor Charles the Sixth, the King took all Opportunities of shewing, that his Majesty desir'd nothing more earnestly than to see them speedily concluded, by an equitable Accommodation between the Parties in War.

The Conduct which his Majesty has ever since observed, has sufficiently demonstrated, that he constantly persisted in the same Dispositions; and his Majesty, not being desirous of forming any Pretensions for himself which might in the least obstruct the Re-establishment of Tranquillity in Europe, had no Notion of being obliged to take Part in the War, otherwise than in supplying his Allies with the Succours which he was engaged to give them.

Such disinterested Views would soon have restored Peace, if the Court of London had thought with as much Equity and Moderation, and if it had consulted nothing but the Welfare and Advantage of the English Nation; but the King of England, Elector of Hanover, had very opposite Intentions, which, as it was soon perceiv'd, aimed at nothing less than kindling a general War. Not satisfied with dissuading the Court of Vienna from entertaining any Notion of a Reconciliation, and with nourishing its Animosity by the most violent Councils, it has taken all Opportunities of irritating France, by every where disturbing her Maritime Commerce, in Contempt of the Law of Nations, and the most solemn Treaties.

The Convention of Hanover, in October 1741,

* Inclosed with the Duke of Newcastle's letter of March 31, 1744.

seem'd at least to have assured his Majesty of the Discontinuance of such Excesses. The King of England during the Stay he made in his German Dominions, appeared to listen to the Complaints which were made to him on this Occasion, and to perceive the Justice of them; he gave his Royal Word that he would cause them to cease, and he formally engaged himself not to disturb the Allies of the King in the Pursuit of their Rights; but scarce was he returned to London, before he forgot all his Promises; and as soon as he was certain that the King's Army had entirely quitted Westphalia, he caused it to be declared by his Ministers, that the Convention no longer subsisted, and that he looked upon himself as disengaged from it.

He then thought there was no longer Necessity to act with circumspection: Being himself a personal Enemy of France, he seemed to have no other Views than to raise up such every where against her: This became the principal Point in the Instructions of his Ministers in all the Courts of Europe. The Piracies of the English Men of War encreased with Cruelty and Barbarity; even the Ports of the Kingdom were no longer an Asylum against their Insults. The English have at length dared to block up the Port of Toulon, to stop all Ships, to seize upon the Merchandize which they carried, and to take even the Recruits and Ammunition which his Majesty was sending into his strong Places.

So many repeated Injuries and Outrages have at last tired the Patience of his Majesty, who can no longer bear with them, without failing in the Protection which he owes his own Subjects, in the Assistance he owes his Allies, in the Defence of himself, his Honour and Glory. These are the just Motives that no longer permit his Majesty to keep within the Bounds of Moderation which he

had prescribed to himself, and which constrain him to declare War, as he does by these Presents, against the King of England, Elector of Hanover, both by Sea and Land.

His Majesty ordains and enjoins all his Subjects, Vassals and Servants, to fall upon the Subjects of the King of England, Elector of Hanover; forbids them in the most express Manner from hereafter having any Communication, Commerce, or Intelligence with them, on Pain of Death; and consequently his Majesty hath from henceforward revoked, and does revoke all Permissions, Passports, Safe-Guards, and Safe-Conducts, which may have been given by himself, or by his Lieutenant-Generals, and other his Officers, contrary to these Presents, and hath declared them, and does declare them null, void and of no effect, forbidding all Persons from having any Regard thereto.

His Majesty orders and commands the Duke de Penthievre, Admiral of France, the Marshals of France, the Governors and Lieutenant-Generals for his Majesty in his Provinces and Armies, Camp-Marshals, Colonels, Captains, Heads and Conductors of his Military People, as well Horse as Foot, French and Foreigners, and all other his Officers whom it shall concern, that they, and each of them, cause the Purport of these Presents to be executed, in the Extent of their Powers and Jurisdictions, for such is the Will of his Majesty. He wills and intends that these Presents shall be published and fixed up in all the Cities, as well Maritime as others, and in all the Ports, Harbours, and other Places of his Kingdom and Territories under his Obedience, where it shall

be needful, that none may pretend Ignorance thereof.

Done at VERSAILLES, March 15, (4th) 1744*
Signed, LOUIS.
And underneath, AMELOT.

ENGLAND'S DECLARATION OF WAR AGAINST FRANCE.†

HIS MAJESTY'S DECLARATION OF WAR AGAINST THE FRENCH KING.

The Troubles which broke out in Germany, on account of the Succession of the late Emperor Charles the Sixth, having been begun and carried on by the Instigation, Assistance, and Support of the French King, with a View to overturn the Balance of Power in Europe, and to extend the dangerous Influence of that Crown, in direct Violation of the solemn Guaranty of the Pragmatic Sanction, given by him in the year 1738, in Consideration of the Cession of Lorraine; and we having on our Part executed our Engagements for maintaining the Pragmatic Sanction, with that good Faith which is inseparable from us; and having opposed the Attempts made against the Dominions of the Queen of Hungary, we are not surprised that our Conduct in this Respect, should have drawn upon us the Resentment of the French King, who has found his ambitious Views, in a great Measure, disappointed by the Assistance we have furnished to our Ally, unjustly attacked by him; or that he should alledge it as a principal Reason for declaring War against us.

*France had adopted the Gregorian calendar, advancing her previous reckoning of time ten days, in 1582; while England and her American colonies continued to use the Julian calendar until 1752.

†Inclosed with the Duke of Newcastle's letter of March 31, 1744.

From the Time that we found ourselves obliged, for the Maintenance of the just Rights of our Subjects, to enter into a War with Spain, instead of observing a strict Neutrality, which we might have promised ourselves on the Part of the French King, from whom we were even founded by Treaty to have demanded Assistance; he has given Encouragement and Support to our Enemies, by conniving at his Subjects, acting as Privateers under Spanish commissions, both in Europe and America, and by sending in the year 1740, a strong Squadron into the American Seas; in order to prevent us from prosecuting the just War which we were carrying on against Spain in those Parts; and we have the most authentick Proof, that an Order was given to the Commander of the French Squadron, not only to act in a hostile Manner against our Ships, either jointly with the Spaniards, or separately; but even to concert Measures with our Enemies, for attacking one of our principal Dominions in America; a Duplicate of that Order dated the 7th of October, 1740, having fallen into the Hands of the Commander in Chief of our Squadron in the West Indies. This injurious Proceeding was greatly aggravated by the French Minister at our Court, having declared on Occasion of sending the said Squadron; that the French king was very far from having any Design or Intention of breaking with us.

The same offensive Conduct was continued, on the Part of the French King, towards us, by his Squadron in the Mediterranean, in the Year 1741, joining with and protecting the Ships of our Enemies, in Sight of our Fleet, which was preparing to attack them.

These unwarrantable Proceedings; the notorious Breach of Treaties, by repairing the Fortifications, and

erecting New Works at Dunkirk, the open Hostilities lately committed against our Fleet in the Mediterranean; the Affront and Indignity offered to us, by the Reception of the son of the Pretender to our Crown, in the French Dominions; the Embarkation actually made at Dunkirk, of a considerable Body of Troops, notoriously designed for an Invasion of this Kingdom, in Favour of the Pretender to our Crown; and the sending a Squadron of French Ships of War into the Channel, to support the said Embarkation and Invasion, will be lasting Monuments of the little Regard had by the French Court for the most solemn Engagements, when the Observance of them is inconsistent with Interest, Ambition, or Resentment,

We cannot omit taking Notice of the unjust Insinuations contained in the French King's Declaration of War against us, with respect to the Convention made at Hanover, in October, 1741; that Convention, regarding our Electorate only, had no Relation to our Conduct as King of Great Britain. The Allegations concerning it, are groundless and injurious; our Proceeding in that Respect, having been perfectly consistent with that Good Faith, which we have always made the Rule of our Actions.

It is unnecessary to mention the Objections made to the Behaviour of our Ministers in Foreign Courts; since it is notorious that the principal View and Object of the Negotiations of the French Ministers in the several Courts of Europe, have been either to ster up intestine Commotions in the Countries where they resided, or to create Differences and Misunderstandings between them and their respective Allies.

The Charge of Piracy, Cruelty, and Barbarity against our Ships of War, is Equally unjust and un-

becoming; and we have all such Proceedings so much in Abhorance, that, if any Practices of that Nature had been made appear to us, we should have taken effectual Care to put a Stop to them, and to have punished the Offenders in the severest Manner.

We being therefore indispensably obliged to take up Arms, and entirely relying on the Help of Almighty God, who knows the Uprightness of our Intentions, have thought fit to declare and do hereby declare War against the French King; and we will, in pursuance of such Declaration, vigorously prosecute the same by Sea and Land; being assured of the ready Concurrence and Assistance of all our loving Subjects, in so just a Cause: And we do hereby will and require our Generals and Commanders of our Forces, our Commissioners for executing the Office of High Admiral of Great Britain, our Lieutenants of our several Counties, Governors of our Forts and Garrisons, and all other Officers under them, by Sea and Land, to do and execute all Acts of Hostility in the Prosecution of this War against the said French King, his Vassals, and Subjects, and to oppose their Attempts; willing and requiring all our Subjects to take Notice of the same, whom we henceforth strictly forbid to hold any Correspondence or Communication with the Subjects of the French; And we do hereby command our own Subjects, and advertise all other Persons of what Nation soever, not to transport or carry any Soldiers, Arms, Powder, Ammunition, or other contraband Goods, to any of the Territories, Lands, Plantations, or Countries of the said French King; declaring, that whatsoever Ship or Vessel shall be met withal, transporting or carrying any Soldiers, Arms, Powder, Ammunition, or other contraband Goods, to any of the Territories, Lands,

Plantations, or Countries of the said French King, the same being taken, shall be condemned as good and lawful Prize. And whereas there are remaining in our Kingdom divers of the Subjects of the French King, we do hereby declare our Royal Intention to be, that all the French Subjects, who shall demean themselves dutifully towards us, shall be safe in their Persons and estates.

Given at our Court at St. James's, the Twenty ninth Day of March, 1744, in the ~~in~~ the Seventeenth Year of our Reign. God save the King.

ELIAKIM PALMER TO JONATHAN LAW.

Sir

I am now to acknowledge the rec^{t} of your favour dated the 30th Novem^{r} last accompan^{g} an Order on the Ex^{trs} of Francis Wilks Esq^{r} for a Ballance remaining in his hands belonging to the Colony w^{ch} order I have Deliver'd them but have not yet had their Acco^{tt}. I have also receiv'd the Law book & Clerk of the Courts Certificate that no Eldest Son ever obtain'd Judg^{mt} as Heir at Law w^{ch} I shall take Care to make a proper use of in Clarks Affair w^{ch} has not yet been bro^{t} to a hearing

I Observe also you Desire to know how to Dispose of the Money granted me as a Salary for the last Year being £250 which please to pay into the hands of Mess^{rs} Balston & Palmer Merch^{ts} in Boston for my Acco^{tt} & so for the future as any money becomes due to me please to order it into their hands unless it could be remitted to me here w^{ch} would save the Comission of receiving &c

I have Deliver'd your Letter to Doct^{r} Avery from whom you will receive an Answer & indeed

for my own part I can't but be of Opinion that your Laws against the People who call themselvse Methodists * are a little too severe & may as such have a Contrary Effect from what is propos'd by them; As I write this in answer to your Letter I hope I shall be Excus'd giving my Opinion so freely w^ch^ I do w^th^ great Defference to your Legislature who must undoubtedly be the best Judges how far it may be necessary in order to preserve Peace & Quietness in the Governmen^t^ to take such Measures.

I am now to acquaint you that our Good Friend & Allye the King of France has after an Attempt to Invade us & place the Pretender on the Throne lately Declared War with us & the like will be done here in a Day or two; I wish this Event may be attended with no bad Consequences in regard to the Plantations on the Continent of America & am

Yo^r^ most Obed^t^ &
faithfull Hum^ble^ Serv^t^
ELIAK^M^ PALM[ ]

LONDON 30^th^ March 1744
To the Hon^ble^ JON^A^ LAW Esq^r^

[Indorsed] M^r^ Palmers Le[ ] March 30^th^ 174[ ]

DUKE OF NEWCASTLE TO THE GOVERNOR AND COMPANY.

Duplicate
WHITEHALL. March 31^st^ 1744.

Gentlemen,

The French King having declared War against His Majesty, (as you will see by the inclosed Copy of

* Methodists as such had not been named in any laws passed up to this time. The reference is probably to the Separatists and the followers of Whitefield, some of whom eventually became Methodists.

His Declaration for that Purpose,* which is full of the grossest, and most indecent Misrepresentations, and Reflections upon His Majesty's Conduct,) I am to acquaint you, by His Majesty's Command, That, on Thursday last, the 29th Inst, a great Council was held at St James's where His Majesty approved, and has since signed, a Declaration of War against the French King, and ordered, That the same should be published, on this Day, by the Heralds at Arms, in the usual Places, and with the accustomed Formalities on the like Occasions; which has been done accordingly. I send you inclosed a printed Copy of the said Declaration*; And am commanded to signify to you His Majesty's Pleasure, That you cause it to be proclaimed in the Colony under your Government, That His Majesty's Subjects, having this Notice, may take Care to prevent any Mischief, which otherwise They might suffer from the Enemy, and do their Duty in their several Stations, to distress and annoy the Subjects of the French King: And His Majesty would have you be very rigorous, and severe in preventing any Ammunition, or Stores of any Kind, from being carried to Them; and you are to use all proper Methods, that may be most effectual for that Purpose.

I send you inclosed His Majesty's Proclamation for the Distribution of Prizes, taken by His Majesty's Ships of War, or Privateers, which, you will take Care, may be published in the Colony under your Government: And you will do every Thing in your Power, to encourage His Majesty's Subjects to fit out Ships, to act as Privateers against the Enemy; And you will, upon the Receipt of this Letter, take all

*See pages 132 and 135.

Opportunities, as far as depends upon you, to distress and annoy the French in their Settlements, Trade, and Commerce.

I am,
Gentlemen,
Your most obedient
humble Servant
HOLLES NEWCASTLE.

Governor, and Company of Connecticut.

[Indorsed] Duke of Newcastles March 31st 1744 Concerning Declaration of War

DUKE OF NEWCASTLE TO THE GOVERNOR AND COMPANY.

WHITEHALL. April 26th 1744.

Gentlemen,

You will receive, at the same Time with this Letter, one from the Commissioners, whom His Majesty has been pleased to appoint for Distributing the Moiety of the Prizes, taken from the Spaniards, between the 10th Day of July 1739, and the 19th of October, then following, by any of His Majesty's Ships of War, Desiring, That you would take Care, That publick Notice be given in all Parts under Your Jurisdiction, to the Agents for the Captors of all such Prizes, taken as aforesaid, and to all other Persons, whom It may concern, immediately to furnish the said Commissioners with authentick Accounts of all Transactions, relating to the said Prizes; and also to pay to the said Commissioners the full Moiety of Their respective Accounts, in order to enable Them to carry into Execution His Majesty's most gracious, Intentions towards Such of His Subjects, as have suffered by the unjust Seizures, and Depredations of the

Spaniards. I refer You to the Letter, which You will receive from the Commissioners,* for a more particular Explanation of what may be desired to be done on Your Part, in this Matter; And am to signify to You His Majesty's Pleasure, That You should do every Thing in Your Power, to enable Them, in the most effectual Manner, to execute Their Commission.

I am,

Gentlemen,

Your most obedient
humble Servant
HOLLES NEWCASTLE

Governor, and Company of Connecticut.

[Indorsed] Duke of Newcassells Letter 26th of April 1744

ELIAKIM PALMER TO JONATHAN LAW.

Sr

I have already wrote you by this Conveyance Since wch (at the Instance of a Number of Inhabitants of the Province of Massachusets) a Petition has been presented to Parliament for Leave to bring in a Bill to Prevent a further Emission of Paper Currancey in America & for making what is already Issued no Legal Tender, the Prayer of wch Petition has been granted, & you have inclos'd a Coppy of what are at Present intended for the Heads of the Bill, which should it pass into a Law, as it seems to strike at the Privilidges of yor Charter & may be attended wth other bad Consequences in regard to your Province (especially at a time when the Immer-

* See under date of May 18, 1744.

gencies of Governm^{t} require the Largest Supplys of Money) I shall as your Agent give it all the Opposition I can, and should Wee be able to get the Project set aside for this Sessions of Parliament I desire I may have full Instructions for my Governm^{t} in Case the Like should be attempted as undoubtedly it will the next Sessions I am

Sir

Yo^{r} faithf^{ll} hum^{le} serv^{t}

ELIAK^{M} PALMER

LONDON 30th Aprill 1744

Coppy

LONDON 10th May 1744

Sir

The Bearer staying till now gives me an Opportunity of forwarding a Coppy of the Paper Currancy Bill w^{ch} its intended shall be once read & then stand over till the next Sessions w^{ch} very probably will be in November next I am Sir

Yo^{r} faithf^{ll} hum^{le} serv^{t}

ELIAK^{M} PALMER

Coppy

[Indorsed by Law] Agents Letter of 30th of April & 10th of May 1744

JOHN RICHARDS TO ROGER WOLCOTT.

N LOND^{N} May 1744

S^{r}

I write this in behalf of my friend M^{r} Robinson who is in Considerable Advance for Cloathing for Sachem Ben Uncas & his son Ben his Acco^{t} has

been present[d] to Some of y[e] Gent[m] Agents which they putt off Several times — he Sends his Acco[t] Again w[ch] amounts to 51-10-2 old tenor when both are added togather & I finde it Just and according to his first Entry in his Book — I much wonder M[r] Robinson hath not had his money as well as Every other person concern[d] in y[e] Controversey, and now in behalf of my S[d] Friend Desire your Hon[r] and the other Gent[n] Agents that you order him his mony he was not forward to Advance y[e] goods but came to me and desired me to give him my advice which I did & told him I had no Authority but however I would not have him withhold what they wanted for I Concluded it was by Orders of y[e] Goverm[t] & his pay would be Certaine.

This with my Duty to &c

J—N: R—DS*

To the Hon[ble] ROGER WOOLCOT Esq[r]

[Indorsed] Lett[r] to the Deputy Gov[r] Copy

PRIZE COMMISSIONERS TO THE GOVERNOR AND COMPANY.

S[r]

His Majesty having been pleased by His Royal Letters Patent bearing date the 4th day of February last, To Constitute and appoint Us His Commissioners for Distributing the Moiety of the Prizes taken from the Spaniards on or between the 10[th]

*The writer of this letter was no doubt John Richards, the town clerk of New London. He seems to have taken an active interest in the Mohegan Indians and in their land case.

day of July 1739 and the 19th of October then following by any of His Majesty's Ships of War: And the better to Enable Us to execute the Powers and Authorities granted by His said Commission has been pleased thereby to Require and Command the several Agents for the Captors and all other Persons whom it may concern, to Observe and follow such Directions from time to time as they shall receive from Us: And to be Aiding and assisting unto Us, as they will answer the contrary at their Peril: In order therefore the more effectually to carry into Execution His Majesty's most gracious intentions towards such of His subjects as have suffered by the unjust Seizures and Depredations of the Spaniards within the respective times and limitations expressed in the said Commission We find it highly expedient That the Agents for the Captors of all such Prizes taken as aforesaid should immediately furnish Us with Authentick accounts of all transactions relating to the said Prizes, and Pay Us the full Moiety of their respective accounts: And to that purpose We have caused Publick Notice to be given here, in the London Gazette: One of which Gazettes We send inclosed herein: And also a Letter from His Grace the Duke of Newcastle on the same subject; whereto We crave leave to refer Your Excellency. And to the end That None may plead Ignorance thereof We are now to Desire Your Excellency will cause the like Notice to be given in all such parts of Your Jurisdiction and in such manner as has been, or is now customary to publish things of the like Nature: And to Use all such other means of

making the same known, as to Your Excellency may seem necessary. We are with due Respect

Your Excellency's
most humble Servts

WM BAKER
JNO HYDE
ROBT JACKSON
JOHN CASAMAYOR
EZE HALL
WELLM FAWKENER

LONDON 18th May 1744

To The Governor and Company of His Majesty's Colony of Connecticut, in New England, in America

Duplicate

DANIEL HORSMANDEN'S OPINION ON THE MOHEGAN CASE.*

Copy.

The Govr: and Compy: of the Colony of Connecticut,

and

The Moheagan Indians by their Guardians.

The Opinion of one of the Commissrs upon the Merits

On Hearing, upon Commissn of Review. 1743.

As my Sentiments upon the Hearing of this Case, differed widely from the Opinion of the Majority of the Commissioners upon which the Judgment on the Review was given, so I thought proper to declare my Self before the Judgment was drawn up, upon

*The foot notes to this document are the work of its author.

some fundamental Points on which the Governour and Company seemed to lay great Stress, upon a due Consideration whereof, I then conceived, the Merits of this Cause would turn: But as there was such a Notoriety of Facts to be consider'd in a Matter of so great Intricacy and Concernment, I was the more carefull to avoid being precipitated into a rash Judgment, and therefore reserv'd the Liberty of entring my Opinion at large, at the next meeting of the Court, which (according to the Directions in His Majesty's Commission) was to be held in Order to give Opportunity for an appeal to be enter'd by any Parties who should apprehend themselves to be aggrieved by that Judgment: And after carefull Examination of the Proceedings and attentive Consideration thereof, my Opinion thereupon is contain'd in the following Articles.

Article 1st. That soon after the English Subjects first set Foot in this Country (which was in the year 1633 & 1634, as appears by the Introduction to the History of the Pequot War (*a*.) They associated themselves into a Form of Government, and for that Purpose enter'd into Articles bearing Date the 14th January 1638 (*b*.) whereby they agreed to submit themselves to a Governor & Magistrates who were to be annually chosen.

Art: 2d. That Mr . . . Hopkins in the year 1640 (in pursuance of those Articles) was elected Governor and Mr Haynes Deputy Governor of the said English Subjects

Art: 3d. That after having inspected, carefully weighed and consider'd the Proofs relating to the Writing exhibited in Court, as well as the Writing itself, bearing date 20 *September 1640* purporting to be

(*a*) Page 3. (*b*) Book of Proceedings pa. 236.

the ffree Deed of Gift of Uncas als Poquion, Sachem of the Moheagan Indians, to the Governour & Magistrates of said English upon Connecticut River of *all the* Lands that then did, or of Right ought to belong to him.

The said Writing seems to carry with it Marks of Antiquity, it is wrote in an Antique Hand, such as was in fashion in those Days, a kind of Secretary, of which Sort there are several in the Book of the Colony Records (exhibited to prove a similitude of Hands) which bear great Resemblance to each other insomuch that it must be a curious Discernment that can distinguish them; but by an intentive Inspection and Comparison it was agreed by all the Commissioners, that the Body of this Writing was of the same hand writing with the Records of the year 1639, contained in the beforemention'd Record Book, at which Time the said M^r^ Hopkins was Secretary to the said English Colony, and that the said Records in that Year were wrote by him; and also on comparing a Letter wrote by the said M^r^ Hopkins dated the 1^st^ May 1652 subscribed Edward Hopkins, It was agreed by all the Commissioners hat the Body of the said Writing or Deed of Gift was of the same hand writing with that Letter and the said Records (viz^t^) M^r^ Edward Hopkins's, But as to the Marks of Uncas the Indian Sachem, Grantor of the Deed, and of the Indian Witness Poxon or Foxon and the Name of the Witness Thomas Stanton, In these three Particulars I differ much in opinion from the rest of the Commissioners.

First, As to the Mark for Uncas.

This mark in my opinion shews too much of Design and Intention, too much Regularity, too great a Command of Pen to be imagined to have proceeded

from an Indian Hand; it seems to have been made by one accustomed to that Sort of sporting (or rather trifling) with his Pen; It is a kind of Knot, the Strokes of it all made even and Regular, and must have been done by a Square full Nibb'd Pen, such as a Secretary hand requires; There are several semicircles, the Strokes of which must have been made by throwing back the Pen, which is not easily done by an aukward unskilfull hand without bespattering; That is not the Case here, And there are many acute Angles, which seem to have required a Command of Pen mastered by long Use and Habit; There are several Hearts conjoin'd in it. The knot is compriz'd in too small a Compass; The concluding Stroke is carried up led from much above the rest, and ends in a circular Sweep, enclosing the End of it, thick as the fullest Strokes of the rest from the Top, is brought under two thirds of the whole mark, and lessening gradually ends in a circular fine hair Stroke, which could not in my Opinion have been performed by "a heavy bearing Hand unaccustomed to form "regular Shapes or Figures"; but appears from the View to have been done by an expert Penman, in such Manner as is not easie for every Person to imitate.

It was objected against this being the Deed of Uncas, that he always made one kind of Mark, and that it was customary with the Indians, always to use the same kind of Mark: That Uncas generally did so appeared by Copys of his Mark in the Paper Book containing the Proceedings of the Commissioners in this Cause in 1705: and further to prove this, there were exhibited an Original Indian Purchase (or so much as Time had left of it) from Uncas, made to the Town of Norwich dated in 1659. An-

other to Thomas Tracey and Thomas Leftingwell in 1668, Another to Thomas Hollester in 1675 (*c*) all of the same kind of Marks, and like to all or most of those in the Paper Book, and to each other; there was a visible Aim in them at the same Figure; I find also among the Exhibits on the part of the Governour and Company, a Copy of a Deed from Uncas to Richard Houghton dated the 19th August 1658 (*d*) also another from Uncas to Jeremy Adams dated the 20 May 1662 (*e*) whereon are two Copys of Uncas's Mark, each bearing Reseimblance to the Original Mark on the Norwich Deed, and to those copyed for Uncas's Mark in the Paper Book, bearing Resemblance and Conformity to the same from which Observations and Comparisons, one is very apt to conclude that the Mark to the Deed 40, and to that of John and Daniel Stebbins (hereinafter taken Notice of, which are the only two Deeds whereon the Marks for Uncas were totally different from the rest) were not Marks of Uncas's making.

On the other Hand an Indian Deed from Uncas to John and Daniel Stebbins (*f*) was exhibited on behalf of the Governour and Company to shew that Uncas's Mark to that was different from all the rest, and it was so; And indeed his Mark to that was such a Scrall that any Child, Indian or other Novice might be expected to make, who had never before taken Pen in Hand: This Deed was dated in 1683, forty three years after the Deed 40, And if Uncas made the Mark to the Deed 40, he must be allowed to have handled his Pen much best upon his first

(*c*) The two last Deeds not enter'd among the Exhibits in book of Proceedings 1743. But taken Notice of in the Minutes pa: 178, (*d*) pa. 254 (*e*) pa: 265-6.

(*f*) Pa: 265, — a pretty Exact Copy.

Attempt, which was within 6 or 7 years after the English first set foot here, and but two years after their Association into Government.

Secondly, As to the Mark for Foxon the Indian Witness.

My Notion is, that it is as unlikely as the other to have been done by an Indian, by the Command of Pen it must have required; This seems to be an Imitation of a Rope laid down on a Floor curled and doubled a considerable Length, with six Equidistant blank Spaces, enclosed between the two Ends, Three open at Top and three at Bottom; The beginning has three oval Sweeps, comprizing too narrow Spaces for an awkward hand to have effected with so much Command.

Thirdly, I have considered and compared the antient Writings exhibited to prove the Witness Thomas Stanton's Name by the similitude of Hands, and also the Writing of the Body of this Deed, and am of Opinion *upon the whole*, that all the Writing upon that Side of the half Sheet of Paper (in which this Instrument of 20 September 40, is comprized) was wrote by one and the same Hand, viz^{t}, by Governour Edward Hopkins, the Names Tho Stanton indeed seems to be wrote somewhat in Imitation of his signing to the Exhibits, as is common for those that Copy to do; But notwithstanding the small Letters are similar to the rest of the Writing agreed to be M^{r} Hopkins's and the same ffreedom of Pen appears in them, much different from Stanton's Writing which (tho' it is a kind of Secretary,) is a much stiffer hand, wrote with much less ffreedom & Command of Pen, as one less accustomed to Writing.

The Force of these several Observations is scarce to be conceived but by a carefull Inspection and

Comparison of the Instrument itself, with the Record Book and other antient Writings, exhibited to prove it by similitude of Hands, wherefore I am fully convinced that it is not an original Deed executed by Uncas, but a Copy only (if ever there were an Original) and in whose Hand soever the Original was lodged, they best knew the Design and Intent with which it was made, and why it was not deliver'd up to be reposited amongst the Records of the Colony; And indeed I should scarce have spent so much Time about it had not great Stress been laid upon it as an original Deed, and had not I been single in my Opinion concerning it. (*g*)

Fourthly, But supposing this Writing now before the Court is an Original Deed executed by Uncas, had it been calculated as a Conveyance of the absolute Property of these Lands, though the Stile of Governour and Magistrates, might perhaps have been sufficiently descriptive of the Persons to take, yet they were no Corporation (but of their own making) consequently could have no Successors, and even in such Case, the Deed would have become void; besides that, it is to be observed, that 'twas made without Consideration; whatever Effect it might have had, as the same is lain dormant till of late, from the Day of the Date of it, as it has not appeared to have been so much as mention'd or hinted at by the Governor and Magistrates, or the Government after this Colony's Charter of Incorporation, in any of their publick Treatys or Transactions with this Tribe, which administer'd many notable Occasions of bringing it to Light, Their own Actions are in my opinion, the best Expositors of the Validity of it, and of their

(*g*) See Copys of y^e^ Indian Marks to copy Orig^l^ Deed 40, somewhat similar, the best y^t^ I could make, but not near so good as the Originals.

Thoughts concerning it; And it ought not now to be supported in a Court of Equity, to contradict or invalidate their many solemn Engagements with this Tribe, concerning these Lands, or deem'd of any Force or Effect at this Day.

Art: 4. That Uncas & Waweguan (his Brother) Sachems of the Moheagan Country, by their Deed (bearing Date the 15 August 1659, did convey to Major John Mason, then Deputy Governor of the said English Colony "All the Land then belonging to them"; Thereby binding themselves, their Heirs & Assigns, That the said Mason his Heirs or Assigns should peaceably enjoy the same without molestation or Incumbrance.

So that at this Time it is plain, that the Indians (as well as Major Mason) though they had still some considerable Property in Reserve in their Moheagan Territories (other than a small Parcel or sufficiency of Land to plant on) They by making, he by accepting this Grant; And that the Governor & Magistrates were of the same Opinion at that Time, will appear from what is to be observed upon by the next Article.

Art: 5th. That the Intendment of Major Mason's Surrender of the Jurisdiction Power, as enter'd in the Minute of the Court Book of the Governour and Magistrates of the 14th March 1660, was only to engage to that Jurisdiction (as they term'd themselves) The Right of exercising the Powers of Government over the English, who should from Time to Time settle on these Lands conveyed to him by the Deed of August 59. and Not to affect, or convey the Right in the Soil, by giving that Colony a Jurisdiction Power over them on any Condition whatsoever therein expressed or imply'd; And that by the Provision therein, that

the Indians should at all Times thereafter have a sufficient Quantity of Lands to plant on, the same might most probably be intended and provided by the Major as a Check upon those of his Family, who under the Deed 59, should thereafter succeed him in the Trust, that the whole Lands thereby conveyed to him should not be disposed of at any Time, but a sufficiency thereof remain for ever for the Tribe to plant upon for their Subsistence, And that by the Reservation to the Major of a Sufficiency of Land for a Farm, he most probably might think as he had submitted those Lands to be annexed to that Jurisdiction, his Title to such part of them as he (through his Interest with the Tribe) should thereafter think proper to impropriate absolutely to himself, would not be compleat and ample, without a Grant and Confirmation from the Governour and Magistrates, And that such Stipulation was not thereby intended as a Recompence to the Major for his making a Purchase of these Lands for the Governour and Magistrates, as it should seem to be fancyed, in Support of which Imagination there is no Colour of Proof; But that ever the Major had afterwards a Grant compleated or Patent passed for any such Farm was not in Evidence before Us.

I should be convinced from this Transaction that the Governour & Magistrates were well acquainted with the Design of this Indian Conveyance to the Major, that they understood it to be a Trust and approved thereof by leaving the Power in his hands (as they therefore must needs have found it) to dispose of the Soil.

Art: 6th. That the Confirmation by the Deed executed by Uncas and his two Sons Oweneco & Attawanhood in 61, enur'd only to confirm to the

Major the Estate before granted by Uncas and Wawequaw by their deed in 59 and the Intent of that seems to have been to signifie the entire approbation of Oweneco & Attawanhood together with their Father Uncas and the whole Tribe of what had been so done by Uncas and his Brother Wawequaw (the latter of whom We may suppose at this Time Dead) and (amongst themselves) of the Purpose in doing it, which as yet had not been publickly declared, and can by no reasonable Construction be adjudged to operate to the Confirmation of the Pretences of Claim or Title now set up by the Governor and Company to the absolute Property and Right in Law in all the Moheagan Territorys.

Art: 7th. That the Charter of Incorporation granted by King Charles the 2d to the Colony of Connecticut did not, (nor can it be construed to have been intended to) vest in the Corporation the absolute Property and Right in Law of the Lands contained within the Bounds and Limits of it, which were not before the Date of it fairly purchased or obtain'd from the Indians; But only to give the Corporation the Right of Preemption of the Lands within that Circuit which upon Purchase should from Time to Time become vested in the Corporation, and so become part of the Colony upon such Trust as mention'd in the said Charter; For I think the Crown looks upon the Natives as the Proprietors of the Soil of these Countries, as is manifested by the universal Practice of purchasing the Lands of them throughout all the Colonys, and the Lands are not absolutely impropriated to his Majesty's Subjects, untill they are so purchased tho' included within the Bounds or Limits of the Royal Grant.

Art: 8th. As the Indians had so conveyed the

Remainder of the Moheagan Territorys to Major Mason and his Heirs in Fee by the Deed 59, and afterwards confirmed the same in 61. Yet (as these Transactions were upon a Trust and Confidence, the Intent and Purpose whereof were not yet declared by any Instrument in Writing) in the year 65, it was thought proper (it seems) that the Use and Intent thereof should be manifested, and accordingly Uncas and his two Sons Oweneco & Attawanhood Sachems of Moheagan by their Deed of the 14 December in that year (*h*) declare what the Intent of those Conveyances was, it was a Trust lodged in Major Mason and his Family in order at all Times thereafter to protect the Indian's Estate; and to engage them to that Service the Masons had an Interest in the Lands thus conveyed, coupled with that Trust, which (as it should seem) those Sachems judged to be a mean most likely effectually to answer the End proposed, and they thereby covenant that no part of those Lands should at any Time thereafter be sold or dispos'd of by themselves, their Heirs or Successors without the Consent and Allowance of Major Mason his Heirs and Successors.

That the Property of the Lands in Controversy remained in the Indians and Major Mason notwithstanding the Surrender 60, and that it was so understood by the Government and People of this Colony is sufficiently evidenced by their subsequent publick Transactions and Treatys with these Indians, and by Purchases made of them from time to time thereafter of several Parcels of these Trust Lands with the Consent of the Masons on whom the Trust was descended down to the Judgment in 1705 and ever since; particularly by a Grant executed by Uncas & Oweneco

(*h*) pa. 71.

to the Township of New London of the 10 March 68 which is attested by Major Mason the first Trustee as signefying his Consent conformable to the Trust declared as above.

Art. 9th. That as the legal Estate in the Lands in controversy was vested and still remain'd in Major Mason in Trust as before mentioned, He, in order to secure a considerable Part thereof for the perpetual Subsistence of the Tribe, did by Deed of the 9 May 71, Entail upon Uncas, Oweneco & Attawanhood then Sachems of the Tribe, a parcel of Lands between the Townships of New London & Norwich, which thence obtained the Denomination of the Sequester'd Lands, as being thus set apart for the perpetual Use of the Tribe, so as the same should remain forever unalienable, that the Indians even with the Consent of himself, his Heirs or Successors in the Trust should not at any Time thereafter make sale of any part of it: The Major might judge this a sufficiency for the Maintenance of the Tribe at all Times thereafter in all Events for their planting Ground.

And in this particular the Major manifested his Fidelity by giving up his own Interest with respect to the Lands so entail'd, in order to the effecting a lasting perpetual Service to the Tribe.

This Deed was enter'd upon the Records of the Colony and so certifyed by Secretary Allyn Eight Days after the Date of it, as appeared by the Copy certifyed by Secretary Kimberly which was before the Court (*i*).

The Lands this entail'd the Governor and Company say in their Defence "The Government has

(*i*) This was upon the Back of Secr Kimberly's certified Copy of Deed 40, exhibited in Court & therefore insisted on by one of the Commrs to be inserted in the Book of Proceedings, but a Majority overrul'd it.

"always allowed these Indians to hold and consider'd "them as the said Indians Lands."(*k*) Which Opinion and Allowance I conceive does sufficiently signifie the Acknowledgement and Approbation of the Governor & Company of the Major's Power so to entail and set apart these Lands.

Art: 10th. That by the Report of the Committee enacted by the General Court at Hartford 13 May 1680 (*l*) in the 5th Article it appears that Uncas requested of the Court, that the Bounds of his Lands might be settled before he dyed" and they answer "They are free to it" And from the 11th Article, I think it may be rightly inferred that Uncas, had complain'd (as the other Indians had done concerning their Lands) of Encroachments made upon his Territories, by the English, for which Reason he might desire that his Bounds should be settled before he dyed, That he might leave his Tribe in Peace with respect to their Lands.

And the 11th Article seems calculated in general Terms for the prevention of Encroachments upon the Indians Lands, which appears to have been the principal Subject Matter of that Act (upon the Face of it) so far was it from the Intention of the general Court to affect thereby any Lands claim'd by Uncas, to the Prejudice of him, and the Moheagan Tribe; But on the contrary if the Lands entail'd upon the Indians by Major Mason may be said therefrom to have been set apart for them within the Bounds of any Plantations (and that these Trust Lands conveyed to the Major in 59, were at this Time surrounded by Plantations of the English I collect from the Proceedings) if that were the meaning of the Expression within the Bounds &c, Then Uncas, who it seems had

(*k*) pa: 123. (*l*) pa 331.

complain'd about the Encroachments as well as other Indians mention'd in that Act, was as much entitled to the Penalty thereby provided for the Protection of Indian's Lands, as any other Indian mention'd in the Committee's Report, which makes up the Bulk of that Act.

Art: 11th: That no Right or Interest in the Lands in Controversy being in the Governor and Company, or so much as pretended to by them at the Time of their Treaty with Uncas in 1681, and the legal Estate in them having been conveyed by the Indians to Major Mason as before (*m*) Uncas his Resignation of all his Lands and Territories by the 2d Article, neither "can nor does operate as a quit Claim or Re-"lease of all Claims and Demands." on any Consideration whatsoever touching these Lands, for there was no Foundation for such to operate upon: In my opinion nothing more was intended by that Treaty than to engage to the Colony the Right of Preemption of such parts of these Trust Lands, as those Indians should from time to time thereafter be inclinable to make sale of, conformable to the Trust in the Masons and to submit them to the Jurisdiction Power of the Colony with Regard to the English Settlers there. Nothing appears from the Transaction of Major Mason by the Surrender of 60. whereby these Indians could be bound by the Acts of their Trustee (if he himself could be bound by that Entry) and it seems to me, most probable that at the Time of this Treaty, the Government of Connecticut were of this Opinion, and might therefore stipulate with Uncas to confirm the Engagement of their Trustee touching the Jurisdiction Power over these Lands; for that nothing more was intended by this Treaty (other than that the Right of Preemption) is clear to Me.

(*m*) page 59, 60.

intended by this Treaty (other than the Right of Pre-emption) is clear to Me.

2 Uncas expressly retains his Property in the Lands by the same Article notwithstanding his Resignation, And as none of the Lands contained within the Limits of the Charter could after the Royal Grant be purchased of these Indians by any without Licence first obtain'd from the Corporation (as the Governor and Company may be presumed to have well understood) so 'tis contracted by this Treaty that the Indians should not dispose of any of their Lands thus resigned to any Person or People whatsoever without the Grant and Allowance [i. e. the Licence of the Corporation first obtain'd, nor could the Corporation have any Right to grant any of the Lands thus resign'd, without Purchase first made of the Indians pursuant to such Licence, & conformable to the Mason's Trust

3. And 'tis probable that had the Colony at this Time been so unreasonable as to have set up a Claim in these reserved remaining Trust Lands, under Colour of any of the Pretences before observed upon; considering the great Friendship these generous Savages had from the beginning shewn towards this Colony, instead of entering into this League they might have look'd upon such Claim as Matter of high Provocation, the Presentment whereof might possibly have driven them to a Recourse which the Dictates of Nature and Reason might have prompted (and their own Power at that Time enabled) them to have made Use of for their Redress — If in Fact the Colony had any such. Claim (as I conceive they had not, nor did they at this Time pretend to it) The Fancy that this Treaty may and does operate as a Quit claim or Release of all Claims and Demands — In Consideration of certain things afterwards to be done & perform'd would scarce be worth the Notice but for it's Singularity i. e. The

Indians thereby releas'd all Claims & Demands, and yet retain'd a Claim.

Art; 12th. That on the 6th March 83 (n) Oweneco (then sole Sachem of the Moheags) following the Example of Major Mason (who put it out of the Power of his Heirs, or any Body else as he might think, of making Sale of any part of the sequester'd Lands so entail'd by him in 71.) He also entails those Lands upon the Tribe to remain for their Use, & himself and his to plant, occupy and improve for their mutual Advantage for ever, & this Deed appears to have been acknowledged before James Fitch an Assistant i. e. a Member of the General Court, who may be presum'd to have been a proper Judge whether Oweneco had at that Time a Rightto make such Conveyance or not, & might have informed the general Court accordingly.

2 That by Act of Assembly in the same year pursuant to the beforemention'd Request made by Uncas, as recited by the Act 1680 (o) (and not in Pursuance of the Treaty 81, as I can collect from the Proceedings) The general Court appointed a Comittee of which the then Governor was one "to endeavour "to settle the Bounds between Uncas and the Plan- "tations to which his Lands adjoin'd and to compose "the Differences between (The Township of) Lyme "and Uncas and all other Differences that he should "desire to refer to them, and what they did they "were (thereby directed) to make Return thereof to "the Court." (p) So that here again We may suppose, the Indians had made Complaint to the Court of Encroachments made upon their Lands from the Nature of the Committees Instructions; And the Boundarys

(n) pa 334.
(o) pa 331. (p) pa 52.

not having been settled pursuant to the Court's Agreement in 80; Uncas it may be presumed renewed his Request for that Purpose in 83. but not a word about Boundarys is mention'd in the Treaty 81.—a Settlement of the Boundarys was made accordingly, returned to the General Court in 84. & by them approved and ordered to be recorded, which Settlement comprehended all the Lands so conveyed & confirmed to Major Mason, and it appears that reiterated Purchases were afterwards made from Time to Time of the Moheagan Sachems, of several Parcels of the Lands in controversie, with the Consent of the Masons conformable to the Trust, and several other Purchases have also been surreptitiously obtain'd without the Consent of the Masons in despite of that Trust; And that several Grants and Orders for Grants have been from time to time made by the General Court or Governour and Company of other considerable Tracts of these Trust Lands without Colour or Pretence of any sort of Indian Purchase at all.

Art: 13th. That by Acts of the General Assembly the 13 and 20 October 92. All the Lands belonging to this Tribe conveyed to Major Mason in 59 and contain'd within the Boundarys of the Moheagan Territorys settled & recorded to Uncas in 84 (which at the Time of those Acts remain'd in reserve unsold and undisposed of) were at the Request of Oweneco confirmed to him and his Son Mahomet, and the Trust in the ffamily of the Masons concerning their remaining reserved Lands (then vested in the Person of Samuel Mason) thereby allowed and established by the General Court; And as to the Sequester'd Lands, it appears they were but a part of the whole Lands so recorded and confirmed, so that these publick Transactions by these two Acts can (in my opinion)

by no means be construed or restricted to mean particularly and only the Sequester'd Lands which the Governor and Company now say (q) "they always "allowed these Indians to hold an consider'd as "their Lands." (as it should seem) in Exclusion of all others.

2 The Boundarys of the sequester'd Lands appear to have been sufficiently known and ascertain'd from the Deed of Entailment, and there could be no need of any Order of the Legislative Body of the Colony for settling the Boundaries of the whole Moheagan Territories to find them out; consequently that Settlement must have been to ascertain what Lands in general within the Moheagan Territories did at that Time belong to this Tribe, of which the sequester'd Lands were notoriously a part, & accordingly included in that general Settlement.

3 That the Governour and Company have allowed of the Trust vested by the Indians in Major Mason, as to the particular Instance of his Execution of it by his Deed of Entailment, and of his power so to entail; for as they say "They always allowed the "Indians to hold them, and consider'd them as their "Lands," and having assign'd no Reason why they so peculiarly esteem'd them such, nor period from whence they dated that Opinion, it must have been a Matter Notorious, allowed and approved of by the Government before the present Generation came into being, and therefore that Opinion must have been handed down to them, from their Ancestors, and must first have taken its Rise and the Lands their Denomination, from that Entailment.

Art. 14th. As it is not to be supposed that by the Royal Charter of Incorporation, it could be in-

(q) Defence pa. 123.

tended that any of the English Subjects, Adventurers in the Infancy of this Colony, should be divested of their particular Interests in Lands here acquir'd before the Charter, but rather confirmed in them thereby; so neither on the other hand, can it be supposed that by the Grant of such Lands to the Corporation as are contain'd within the Limits of the Charter, the Crown could intend (or that the Charter can be so construed) to divest the Indians of their Property in the Lands within those Limits, which they had not at that Time fairly sold to the English Subjects, but only to grant to the Corporation the Right of Preemption of such Lands as were contain'd within those Bounds, when the Indians should be dispos'd to make Sale of them, thereby to preclude all other English from purchasing the same.

2 That the Indians had Lands of their own after the Grant of the Charter, contain'd within the Limits of the Charter thereby prescribed, and that the Colony from Time to Time have so acknowledged, is in my opinion sufficiently manifest from the several Transactions before observed upon, which tend not only to shew their Allowance but their Confirmation (whether needful or not) of the general Trust concerning them: And in particular as to the Major's Deed of Entailment of the Sequester'd Lands, and as to them the Governments own Confession is "They al-"ways allowed them to hold the same, and considered "those Lands as the said Indians Lands." (r) but whether the Government has allowed them to hold the same, and whether those as well as the other Trust Lands have been well conveyed to the King's Subjects here since the Grant of the Colony Charter,

(r) Defence pa: 123.

are the Matters in Controversy, which remain yet to be proved.

[Thus far in Substance was deliver'd in Court at the Meeting of the Commissioners at Norwalk on the 26th day of October 1743]. (s)

sign'd,

DAN. HORSMANDEN

Art 15th. That the Government of Connecticut by their Acts of the General Court in 98 and 99, Ordering a Grant to Governour Winthrop and Mr Saltonstall of part of the sequester'd Lands, and afterwards by their Act in 1703, and by Patent pursuant thereto in 1704, likewise granting that whole Tract to the Township of New London (notwithstanding the Specious Saving therein of the Indian's Rights) did lay the Foundation of what appears to have been since effected vizt the dispossessing the Tribe of that Tract so peculiarly set apart by Major Mason for their perpetual use; and that without Colour of any Sort of purchase from the Indians at the Time of those Acts and Grants.

2dly That under Colour of a Patent of Confirmation of a former Grant issued by the Government to the Township of Lyme in 1685 the Tribe has been dispossessed of another Tract of their Trust Lands bounded upon their Township mention'd in the Proceedings to contain about nine Miles in length and two Miles in Bredth, and that without Colour of any sort of Indian Purchase that appeared before Us.

(s) pa : 384.

3^{dly} That the Governour and Company by their Acts of the General Court in 98 & 99. having order'd Grants of Parts of a larger Tract of Land to the Township of Colchester, lying between Norwich and Hadham, Lyme, Lebanon and Metabesset, laid the Foundation of what it appears was afterwards effected, viz^{t}, The dispossessing the Tribe of that whole Tract and that without Colour of any sort of Purchase made of those Indians at the Time of those Acts.

4th So that if the Acts, Grants, Confirmations and Doings of the Governor and Company and their Committees were to take Place, the Moheagan Indians would scarce (at this Time) have one Foot of Land left them in the Colony of Connecticut.

Art: 16th. That thus the Case stood at the Time of issuing the Commission of Her late Majesty Queen Anne to Governour Dudley and others, with Respect to these three Tracts of the Trust Lands, which have now been controverted before Us, and as to them, I think the Judgment pronounced in the Case by those Commissioners was well warranted from the Evidence then before them as it appears in Our Proceedings.

2. The Facts found by these Commissioners upon which they grounded their Judgment were correspondent to the Matter of the Indian's Complaint set forth in their Commission; And though there appears sufficient Evidence to support them, yet further, I consider those Commissioners as Gentlemen of Figure and Fortunes, resident many of them in Connecticut it Self, and others in neighbouring Colonies, who as a Jury of the vicinage, might most likely be better qualified to judge of the Case from the Knowledge they might have of the Facts.

3. That notwithstanding the Judgment decreed

to these Indians, the Possession of the three several Tracts before mentioned, and did also confirm and establish the Trust concerning all these Indians remaining reserved Lands then descended upon, and vested in the Person of John Mason, by appointing him their Trustee & Guardian of all their Affairs (t). It appears that the Governour and Company (disregarding the Judgment so pronounced under the Authority of that Commission) did on the 24 September 1705 (i. e. one Month immediately after the Judgement) issue a Patent under the Seal of the Colony (pursuant to the former Acts of the General Court of the 13 October 98 and 11 May 99.) and under Colour of a fraudulent Indian Purchase afterwards surreptitiously obtained of Oweneco then Indian Sachem, contrary to and in despite and Defiance of the Trust aforesaid thereby Granting to the particular Persons therein named Members of the Township of Colchester and their Successors for ever, the said Tract of these Trust Lands so adjudged to the Indians lying between Norwich and Haddam, Lyme, Lebanon & Metabesset.

4. That the Governour and Company having by their Petition of Appeal to Her late Majesty Queen Anne obtain'd Her Majesty's Order for a Commission of Review, whereby the Execution of that Judgment was stayed; They (as it should seem) thinking themselves entirely at Liberty and under no Obligation to sue out such a Commission, and to prosecute the same to effect have made an unbecoming Use of Her Majesty's Indulgence, by Proceeding by their Acts of the Corporation, entirely to dispossess the Tribe of their Sequesterd Lands also.

5. That notwithstanding the pretended Interposi-

(t) pa 101.

tion of the Governour and Company and the Suggestion that they obtain'd from the Town of New London a Surrender of the Indian Grant to Peter Mason in the year 1705 of all the Sequester'd Lands (which likewise appears to have been surreptitiously obtain'd in despite of the Trust aforesaid and consequently of no validity) yet nevertheless that such Surrender was in fact obtained, is altogether without Proof, as is also the Quantity and Quality of that part of this Tract, which the Governor and Company estimate at between four and five Thousand Acres and say they did by Act of the General Court of the 11th May 1721 effectually and for ever secure to the Use of the Moheagan Indians.

6. That it having been alledged by the Indian's Answer to the Government's Defense, that out of that small Parcell (which the Government say they have so effectually and for ever secured to these Indians) sundry Pieces intersperced amounting to above a Thousand Acres, are Pursuant to the Doings of their Committee by the aforesaid Act of the General Court confirmed to the English; And the same not being denyed by the Governor and Company, might be taken for Truth, but for the Order of the Commissioners at this Court, touching Proofs in this Cause (u).

7 That the appointment and Establishment of Captain John Mason Guardian and Trustee of this Tribe of Indians and their Affairs by the Commissioners in 1705 having been ratifyed by Major Ben Uncas their Sachem in 1723, and his Council, and such Ratification having been laid before the General Court of the Colony, they by their Act of October in the same year (w) at the Request of the said

(u) pa 151.
(w) pa. 301.

Mason and these Indians, and for other Considerations therein mention'd, did impower said Mason to reside at Moheagan, i. e., upon the Sequester'd Lands, and give him Leave to improve any part thereof in building, ploughing & pasturing; & (int. al) recommended to him the Care of the Indians to protect them from wrongs; and said Mason entered thereon accordingly, and afterwards the said Sachem by Deed Poll dated 21 October 1724 executed by him with the Advice of his Council and consent of his People (which according to their Constitution may be thought equivalent to an Act of the General Court of the Corporation) These Indians thereby signifie their Approbation of such the Commissioners Order in 1705, and declare that the like Power and Trust should be invested in the Male Heirs of said Mason's Family, But notwithstanding these Acts of the Corporation and Tribe, the Committee appears to have taken upon them to supersede both, for whatever this Pittance of the sequester'd Lands is which the Government say in their Defence (x) "they effectually and for ever "secured to these Indians (by their Act in 1721) It "appears that the same (or almost the whole there of) "has been lately leased out by the Corporation's Committee (in Conjunction with their Sachem Ben Uncas) to some of the English Inhabitants of the Colony for Twenty years, at the yearly Rent of 60[ll], reserved, payable only to the present Ben Uncas.

Art: 17[th]. That the Conduct of the Governour & Company towards this Tribe of Indians in their several Transactions and Dealings concerning these remaining reserved Trust Lands from the Treaty 81. to this Time have been utterly incompatible with those large professions of Justice, Honour and Kindness,

(x) pa.

of which We heard so much during the Course of the Proceedings before Us.

Art 18th. That the said Judgment of Joseph Dudley Esqr and others Commissioners in 1705 in every part thereof, ought to have been affirmed by the Decree of this Court, and the Possession of the Lands in Controversy adjudg'd to the said Indians and the Masons their Guardians, upon the Trust and to the Uses and Purposes of the respective Indian Instruments, establishing, ratifying and confirming the same, with the following Exceptions.

1. Excepting as to that Tract of planting Ground called Massapeag lying within the Township of New London, touching which the Claim of the Indians, has been waved by their Council and Guardians before the present Commissioners.

2 Excepting also as to such Parts of the Lands now in Controversie as have been bonâ fide sold by the said Indians and the Masons their Guardians in a manner conformable to the Trust, Deeds of Sale whereof have been produced before Us by the Defendants Tennants thereof, or in some Instances by the Government on their behalf, and which have been admitted by the said Guardians to have been executed with Consent of their Ancestors, on whom the Trust from Time to Time devolved, and as to them when the Quantity of Land contain'd within the respective Boundarys of such Deeds are sufficiently known and ascertain'd, the same ought to be adjudged to the respective Purchasers, or to those claiming by, from or under them, according to the Tenour of their respective Deeds, and touching these the said Judgment ought to be declared null and void.

And Lastly I am of opinion that the Trust and Guardianship over the Indians Lands in Controversy

ought to have been confirmed and established in the Masons, on whom the same is devolved.

(sign'd)
DAN. HORSMANDEN
NEW YORK 29 May 1744.

[Indorsed] Mohegan Indians vs Connecticutt } Opinion of y^e Comiss^rs.

WILLIAM SHIRLEY TO JONATHAN LAW

BOSTON June 2^d 1744

S^r

I have receiv'd by His Majesty's Sloop Swallow from Great Britain a Pacquet directed to Your Honour; which I now send You by M^r Allen McClean of your Colony, who happens to be just now mounting for Hartford: I have receiv'd order from His Majesty to Publish His Declaration of War against France and I Suppose you have the Same

I am, S^r
Your Honours most obedient
humble servant
W SHIRLEY •

You will please to satisfye the Bearer for his Journey with this Express

His Honour Gov^r LAW

[Indorsed] Gov^r Shirley's Letter

COLONY OF MASSACHUSETTS BAY TO JONATHAN LAW.

Province of the Mass^a Bay BOSTON June 5, 1744.

Sir,

This Court being apprehensive that nothing will more contribute to the Success of the War in these

parts, than that the several Northern Governments in America should enter into an Agreem[t] with one another for their mutual Assistance & for carrying on the War in the most effectual Manner.

We have accordingly chosen & appointed five Commissioners to meet at Albany the twelfth of this Month (where the Gov[r] of New York has appointed to meet with the Six Nations) to treat with Commissioners from the other Governments in New England, & agree on such Measures as may be thought equall & necessary for their mutual Safety & Defence, & for annoying their Enemies, such Agreem[ts] to be binding on the respective Governm[ts].

We therefore desire your Honour that Commissioners may be appointed by your Government, with the same full Power to transact these important Affairs at the time & place aforesaid. We pray your Excuse for not giving you longer Notice of this business; the Meeting of the six Nations of Indians at Albany on the day above mentioned, gives us such an Opportunity of strengthening our Interest, which ought not to be lost, & we are but just now apprized of it.

Your Honours most obedient Servants
In the Name & by Order of the G[t]
& General Court of said Province
JOSIAH WILLARD Secretary

The Hon[ble] JONATHAN LAW Esq[r]

WILLIAM GREENE TO JONATHAN LAW.

S[r]

His Majesty's Declaration of War against the French King was read here Monday last with the usual Formalities, which obliges Me now forthwith to

send out Our Colony Sloop for the Security of the Coast, and thereupon the General Assembly pàss'd a Vote at their Sessions in last Month, desiring Me to write to Your Honour requesting That Your Colony Sloop may be fitted out, and ordered to join with Ours in their cruising upon this Coast.

The Course that is intended for Our Sloop will be from Long Island to Marthas Vineyard, and so Backwards & Forwards to guard both Sounds, And I do assure Your Honour, That We shall always be ready here, to lend Your Government what Assistance, is in our Power upon any Invasion or Attack, that shall be made upon You. For though the Governments are Distinct, Yet our Common Interest is Inseperable, And Your Sloop being joined with Ours will be a Terror to any Small Privateer, and thereby a greater Safeguard to both Our Governments, I should be glad to have Your Honour's Sentiments in this Affair, Being with great Respect,

Hon^ble^ S^r^
Your most obedient
humble Servant
W GREENE.

NEWPORT, RHODE ISLAND 7^th^ June 1744

[Indorsed by Law] Gov^r^ Greens Letter

COMMISSION OF THE MASSACHUSETTS COMMISSIONERS.

William Shirley Esq^r^ Captain General and Governour in Cheif in and over his Majestys Province of the Massachusetts Bay In New England — (L S)

To All unto whom these Presents Shall Come Greeting —

Know Ye that by and with the advice of the Great and General Court or Assembly of his Ma-

jestys Said Province of the Massachusetts Bay at their Session begun and held at Boston y^e^ thirtyeth of May Last I have Constituted and Appointed and by these presents do Constitute and appoint Authorize and Impower, John Stoddard, Jacob Wendell, Thomas Berry, John Choate and Thomas Hutchinson Esq^rs^ or any three of them Commissioners for and In behalf of this Province to appear at the City of Albany or Elsewhere within the Province of New York on the twelfth of this Instant June or as Soon after wards as may be then and there to Treat with his Majestys Governour of New York aforesaid or with any Commissioners that may be appointed on the Part of that Province or with any Commissioners that may be appointed on the part of the Governments of New Hampshire Connecticut and Rhoad Island or any of them, and on the part and Behalf of this Province to make Such agreements and Stipulations with the aforesaid Governour or Commissioners or any of them Either Joyntly or Seperately as they Shall think Equal and Necessary for the aforesaid Several Governments or any of them to Enter Into for their Mutual Safety and Defence or for annoying the Enemy In the Present Warr Such Agreement to be binding and Obligatory on the aforesaid Respective Governments and every of them. And also to Treat with the said Governments or Commissioners Chosen by them Respectively, Either Seperately or Conjunctly as they Shall Judge best in order to Accomplish the Ends above mentioned — And Further as a Treaty Is Intended between the Province of New York and the Indians bordering on the Said Province to be held at Albany aforesaid on the before mentioned twelfth of June Instant — I do by these Presents by and with the Advice of the Great and General Court aforesaid

Constitute and Appoint the Said John Stoddard Jacob Wendell Thomas Berry John Choate and Thoˢ Hutchinson or any three of them Commissioners for and in behalf of this Province to Treat with and Engage the Friendship of the Indians Commonly Called the Six nations of Indians or any other Nation or Tribe of Indians Whatsoever which shall be there (having first Obtained Leave of the aforesaid Governour of New York for that Purpose) to the Province of the Massachusetts Bay. And the Said Commissioners are also Hereby Impowered to agree do act & Transact any other Matter and thing for the Weal Safety and Defence of this Province as they may Judge Proper In and about the Premises according to Such Instructions as they have herewith Received

Given under my hand and the Seal of the Province of the Massachusetts Bay aforesaid at Boston the Eighth Day of June in the Seventeenth Year of the Reign of our Sovereign Lord George the Second over Great Brittain France & Ireland King Defender of the Faith &c. Annoque Domini one Thousand Seven Hundred and forty four —

W SHIRLEY

By His Excellency's Command

J. WILLARD Secry

Certify'd to be a true Copy from the original Commission

THO HUTCHINSON

[Indorsed by Law] Comʳˢ of Massathusets Comission

OZIAS PITKIN TO JONATHAN LAW.

HARTFORD June yᵉ 11ᵗʰ A D 1744

May it please Your Honour

Your Honours letter to Collˡ Stanly of June yᵉ 4ᵗʰ Came to hand, the kings proclamation for war

was Brought hither this Morning And A Declaration of war was made this Afternoon And Care will be taken to Transmit the proclamation to New haven with All Speed. Your Honours Letter And Orders Sent by Mr. Ashley Respecting the Commissioners Are put In Execution And this Day Between Eleven & twelve of y^e^ Clock His Honour the Deputy Governour And Nath^ll^ Stanly Esq^r^ With a Commission Sett out On the Rhoad (Attended upon by Coll: Whiting with About 24 Troopers) which was as Soon as it Could be Accomplished. have heard that the Commissioners from Boston went Through Suffeild Saturday Last. have Nothing further to trouble Your Hon^r^ with Att present but that I Remain.

Your Hon^rs^ Humble Sr^tt^

OZIAS PITKIN

P: S: the Messenger Who Brings this Letter to Your Honour has Also Brought to Coll: Whiting the Kings proclamation of War According to Your Hon^rs^ Directions

[Superscribed] On his Majestys Service To The Hon^ble^ Jonathan Law Esq^r^ Att Milford

[Indorsed] Ozias Pitkin June 11. 1744 Proclamation of War w^th^ France Com̃iss^rs^ To Albany

JOSEPH WHITING TO JONATHAN LAW.

New Haven June 12^th^ 1744

*May it please y^r^ Hon^r^*

I have rec^d^ from Hartford, by a post, inclosed by Cap^t^ Pitkin, his Maj^tics^ Proclamation of war, and Encouragem^t^ for Ships &c who informs me y^t^ it is by y^r^ Honours direction, but gives no hint what I am

to do in y^e affair, I therefore desire your Hon^rs direction what is expected of me in y^e matter

Y^r Hon^rs most humble
& obedient Serv^t

JOS: WHITING

[Superscribed] On his Maj^ties Service To The Hon^le
Jn^o Law Esq^r Gov'r Att Milford

[Indorsed] Coll^l Whiting's

NEW LONDON TOWN MEETING VOTE.

Att a Town Meeting held att New London on the 12^th day of June 1744

Voted, That Mes^s Col^ll Gurdon Saltonstall, M^r Solomon Coit M^r Daniel Denison and M^r Thomas Forsdick or any Three of them be a Committee to Wait on His Hon^r the Gov^r in behalf of the Town of New London to represent and lay before him the defenceless State and Condition, of S^d Town, and Petition his Hon^r that he would Please to take into his Serious Consideration the dangerous Situation and Circumstances thereof and grant that Something may further be done for the Security and defence of S^d Town in that way manner and degree as he in his great Wisdom Shall think best for the Safety thereof

A True Coppy Test Daniel Coit Town Clerk

NEW LONDON'S ADDRESS TO THE KING.

The Humble Representation and Petition of the Inhabitants of the Town of New London in the Colony of Connecticut in New England, To the Kings Most Excellent Majesty.

May it please your Majesty, Wee your very Du-

tifull and Obedient Subjects, being fully Sencible that your Majesties Royal Ear is ever Open, and ready to hear, and Your Paternal Care & Goodness ever ready to Diffuse it Self, even to your Most remote Subjects, Beg Leave with the Greatest Submission to represent the Consequence of this Harbour and Town and its Defenceless State.

Our Harbour is the Principle one in this Colony and perhaps the Best in North America Capable to Receive the whole Navy of Great Brittain being at Least Seven Miles in Length and near One Mile in breadth Six fathom Water bold Shore and Exelent Anchor Ground, all the Navigation Tradeing to this Colony Enter and Clear at your Majesties Custom House in this port and we Shall probably have Twenty thirty or perhaps forty Vessells at a time Laden mostly with Provisions belonging to this and the Neighbouring Governments, waiting for Convoy, and have not any thing to Defend Such Fleet from your Majesties Enemies but a Battery of Seven Guns, (Some of which are very Unfit for Service) and three other Guns at the Harbours Mouth about three Miles distant, and wee have no Reason to Question but an Enemy on Our Coast will Soon Gain Intelligence when Such Numbers of Vessells Shall be here, and we fear, make them a Quick pray, with Such Large Quantitys of provision they will be Enabled to fit out many More privateers, to the Great Anoyance of other your Majesties Good Subjects, and what renders Such Attempt from an Enemy more to be Expected is the Easie Entrance to this Harbour it being very free, and bold, and in three Hours Sail, they may be again with Land on the open Seas.

Our Town has upwards of Three Hundred fighting Men and therein is Your Majesties Custom House

above Mentioned, Every Inhabitant True and Loyall to your Majesty, Butby great Losses Sustained at Sea by the Depredations of the Spanyards &c, are not able of our Selves to put our Harbour and town in a proper posture of Defence, and fear we Shall Soon fall an Easie prey to an Haughty aspireing Enemy, Unless Your Majesty Graciously provide for our defence in this our Weak State.

Wee beg leave to throw our Selves at your Majesties feet, Our most gracious King and Common Father to his Subjects, Beseaching Your Majesty in your Royall Wisdom and Paternall Care to Order Such defence for us as may Inable us in a Manner becomeing Englishmen to Repell the Attempts of Your Majesties Enemies, that Shall be made on us, and Secure all Your Majesties good Subjects Comeing into Harbour for protection.

Wee pray the Mighty King of Kings to preserve Your Sacred Majesty from all the Attempts of open and Secret Enemies, to Bless and prosper Your Arms, and Cloath your Enemies with Confusion, that your Majesty may be Long Continued to Reign over us, and then be Received to Reign in Eternal Glory Amen.

The above is a true Copy of what was Voted at a Town Meeting held at New London June 12th A: D: 1744.

Test DANIEL COIT Town Clerk

[Indorsed by Law] N London Address to his Majty

ACT OF MASSACHUSETTS BAY COLONY.

Province of the Massachusetts Bay } In the House of Repves June 12th 1744

Whereas the Preservation of His majestys For-

tress at Annapolis Royall is an Affair of Great Importance to the Crown as well as to the Respective Governments in New England and that until the Arrival of Some Forces there from Great Britain it may be for His majestys Service to Afford them some immediate Relief.

Therefore Voted that His Excellency the Captain General be desired to give orders for raising two Independent Companys of Voluntiers Consisting of Sixty men each exclusive of Officers to be sent to that Fortress as soon as may be at the Expence of this province and for encouragement to good and Effective men to Enlist into this service that there be and hereby is granted to be paid out of the Province Treasury to each able Bodied man that shall Enlist Twenty pounds old tenor or other Bills of Credit Equivalent and that they be freed from all ordinary Impresses in this Province three years after their Return and that His Excellency the Governour be desired to Acquaint the neighbouring Governments with the state of that Fortress, that they may afford a reasonable Aid of men for the aforesaid Purpose and inasmuch as the said Forces are neither to be Subsisted nor paid by this province during their Continuance there that His Excellency be further desired to use his good Offices with the Commander of that Fortress in Obtaining Pay and Subsistance for the said Companys from the Crown until they return home.

Sent up for Concurrence
T CUSHING Spk^{r}.

In Council June 12th 1744
Read & Concurred
J WILLARD Secry
Consented to W SHIRLEY
Copy Examined p J WILLARD Secry

[Indorsed] Act of Massathusetts Assembly

FRENCH INDIAN TO INDIAN COMMISSIONERS.

Comiss^{rs} Meeting y^{e} 14th June 1744

A French Indian named agnaurasa appeared at this Board who Says he is Sent by the Sachims of Caghnawage to Tell the Comiss^{rs} that they had Sent here in the Spring to Know what news of peace or war and the messengers were told that here was no news and now a Declaration of war was Sent from Quebeck to Montreal 25 days Since, at which he Says the Caghnawage Sachims are Surpriz^{d} as the News from Europe is Generally here Sooner than at Canada and that he was now Sent to Assure the Comiss^{rs} that the Sachims of Caghnawage were Inclin^{d} to Keep the Covenant and not to meddle with the war but to Live in peace and Keep open the path in assurance of this he was ordered to Give a String of wampam he farther Says that the Sachims are willing to Come Either here or Onondage to Renew the Covenant

The Indian being asked Whither the other Indians Subject to the french are not Included in the Treaty and Wherefore they did not Send here as well as the Sachems of his nation

Whereto he answers that he was only Sent to Know the opinion of the English and if they were Inclin'd to peace that then the other Indians are all Inclin^{d} to Come to a place that Should be appointed by the English to renew the Treaty and that in the mean Time no acts of Hostility Shall be Committed on their Side

He Says the Governour of Canada Told them at the Time he proclaimed war that he was Inclin^{d} to Live In peace in this Country and that he would not Commit Acts of hostility against the English unless the English began first

The Indian being asked whither he meant this neutrality between this province or all his majestys Subjects on the Continent To which he answers that they meant All the Subjects of the King of Great Brittain upon this Continent Boston Pensylvania and all the other Governments

The Indian being asked whither they meant the neutrality in Such a maner that in Case the English Should Attack the french in Canada that they Should then Joyn the french against the English or not To which he answered that the french Indians were Determin[d] not to Inter meddle in the war at all and that they would not assist the french if they Should be Attacked by the English

[Indorsed] Agnarausas Proposalls in behalf of y[e] Cagnawage Copy

CONFERENCE WITH THE SIX NATIONS OF INDIANS*

Att a meeting of the Commissioners from the Colony of Connecticut and the

Att Albany June Anno: Dom: 1744.

Present

The Hon[ble] Roger Wolcott Esq[r] } Com[rs]
Nathaniel Stanly Esq[r] }

The following propositions were made by the Commisioners

first We are Verry Glad to meet you our old Friends and Allies at this Time & place and that we have now an oppertunity to Inform you that the Governour & People of the Colony of Connecticutt Subjects to the Great King of England rejoyce and are Verry Glad that the antient League & friendship Between

* This and the three undated documents next following are probably of June 18, 19, or 20.

that English Colony the Rest of his majestys Subjects and you (Which League Began When the English first Came to that Colony and has Been Renewed Several Times Since) Has hitherto been Kept firm & Inviolable

We are Verry Sencible that in the Time of the former War the French Tryed All ways to make you Break your Peace with us but you Resisted all their Temptations and Kept Steady to your Peace with us for which faithfullness in you the Governour & People of Connecticutt return you their Hearty thanks

The Governour & People of Connecticutt Ordered us farther to Tell you that the Great King of England is Like a Tree Verry firm and Strong under the Shadow of whose Spreading Branches the Other Kings in Europe Come to Shelter themselves from the Storms that are Raisd against them by the french King

That about four years ago the French King made war upon the Queen of Hungary and Sent his armies Into her Country, who Killd a multitude of her Subjects & Destroyd her Citys & Towns And Drove her out of a Great part of her Country in which Extremity the Queen of Hungary flew to the King of England for help

That the Great King of England (who always helps his friends & allies in adversity) took her under his protection and the Last year Lead his Armies into her Country, where in Several Battells he beat the french armies Killd many thousand of their men in the field of Battle Drove them Quite out of the Country and restord all to the Queen of Hungary again

That upon this the french King proclaimd war against the King of England and his majesty hath proclaimd war against the french

We make no Doubt but that the french who are always Contriving mischief against all People but themselves will Excite you to Break your peace with the English & Joyn with them which if you Should Do and prevail against the English you Can Expect to fare no better in the End than the Queen of Hungary would have done if She had not been protected by the English

But we have no need to fear the french you Know that the English in these parts are
to the french in Canada Especially we Shall have no Reason to fear them if you & your men who are Great Soldiers Keep true to your Covenants and friendship with us

We are therefore Come to renew & Strengthen the antient Covenant Chain which has So Long bound the nations together and we hope will Endure till the Sun and moon Shall be no more

And we propose

[Indorsed] Treaty with the 6 Six Nations of Indians 1744

COMMISSIONERS FROM MASSACHUSETTS AND CONNECTICUT TO THE RIVER INDIANS.

A Copy of the Speech Made by the Comiss^{rs} from Massachusetts Bay and Connecticutt to the river Indians

Neighbours and Friends

We are Sent to this City from the Governments of y^{e} massachusetts bay and Connecticutt to Visit their Antient friends the Indians that Live in these parts we have Seen and Spoken with the Six nations and we are now verry Glad to See you we Look upon you to be our Verry near relations and friends

We are Desirous of Keeping the Chain of Friendship free from rust. This a Verry propper time to Brighten it as well on your acc° as ours. The french have now without any Just Cause begun a war with the English and they would be Glad we and you too were Every one Destroy^d They have been your old Enemys, and you Know you never Could trust them: We Expect they will be attempting to molest us and we depend upon it that you be on your watch and Give us Imediate notice of any Such attempts and we Doubt not you will be ready to afford your assistance if we Should be molested: and if the French molest you and you Give us notice we Shall be ready to help and Defend you. The french In these parts are but a handfull Compar^d with the English, the English Governments are now united and will Live and Die together and if the french behave as they used to do by Sending down their own men or the Indians that Live among them we are Resolved to Revenge it and y^e English and their Indian Friends are Strong Enough to Drive Every Frenchman into the Great Sea.

The Governments we Came from had but a few days notice of this meeting or they would have Sent you a present from thence but we have their orders to procure Something here which Shall be delivered you

[Indorsed] Comiss^rs Speech to y^e River Indians Copy

SCHAGHTICOKE AND RIVER INDIANS TO GEORGE CLINTON AND THE COMMISSIONERS FROM MASSACHUSETTS AND CONNECTICUT.

Answer of the Schathook and River Indians to his Excellency Gov^r Clinton Esq^r and the Comiss^rs of the Massachusetts and Connecticutt

Fathers of the massachusetts Bay and Connecticut

We are Glad to See you here and bid you all

wellcome we are all Inclin^{ed} to Live in peace and unity with these three Governments and all the rest of his majestys Subjects

Fathers

We are Verry Glad we are all united in one Comon Covenant Chain and we are Resolved that it Shall not rust wherefore we wind around it with Bever Skins

Fathers

We are Ready to promote Good things what our Uncles the Six nations have promissed we also Readily Concurr in on our part.

Fathers

You are the Greatest and you have desired us to Stay at home which we promiss to Do and we hope you will Take Care that no harm Comes to us

Fathers

We are united with the Six nations in one Common Covenant and this is the Belt which is the Token of S^{d} Covenant

Fathers

Of Boston and Connecticutt whatever you desired of us yesterday we Engage to perform and we are Verry willing to Keep and Cultivate a Close Friendship with you and we will Take Care to Keep the Covenant Chain Bright

Fathers

You are a Great People and we are a Small one we will do What you Desire of us and we hope you will Take Care of us that no Harm Comes to us Gave a small Belt of wampam and three martyn Skins

[Indorsed] Answer of the River Indians Copy

[Indorsed] Answer of y^{e} Six Nations and River Indians to y^{e} Comiss^{rs} Copy

COMMISSIONERS FROM MASSACHUSETTS AND CONNECTICUT TO THE SIX NATIONS.

Brethren of the Six nations

It was by Accident that Gov^r Shirley and the Great Councill of the Massachusetts bay and Gov^r Law and the Great Councill of Connecticutt heard of the Intended Interview to be had at this place (the usual place of meeting) and at this Time and althô they had Short notice yet they readily and Chearfully agreed to Send us hither to Visit you We are Glad to See Such a number of you Safe ariv^d here after the fatiegue of a Long Journey we present you with these Strings of wampam to pave the way to a free and open Conference Together

We are Commanded in the first place to Remind you of the Long and uninterupted Friendship that has Subsisted (not only between his majestys Subjects in Gen^ll but) in particular between the Governments we represent and you the Six nations which Friendship has been often repeated and renewed in the most Solemn manner and the Covenant Strictly Observed on our part and we Readily with pleasure Acknowledge that it has in General been Observed by you on your part

We are Especially Directed to Brighten the Chain of Friendship and to Revive that antient amity and the Same to perpetuate

A Belt

His Excellency the Hon^ble George Clinton Esq^r Gov^r of New York has already acquainted you that war has been declared between Great Brittain and the french and that there is a Necessity of your being united with these Governments against our Common

Enemy The french our Neighbours thô few in Number Compar[d] with the English in the Several Governments and their Neighbouring friends yet are a Restless and uneasy People and Delight in afflicting all about them and are almost Continually at war with Some Nation or Other

And it Imports us to unite and by our Joynt forces to Oblige them to a more peaceable behavour of themselves In former times the weight of the war has fallen more heavily upon one part and Sometimes on another and our unhapiness has been that we have Acted too Independantly on Each Other we are all in one Interest and Should we Closely unite and Vigorously Pursue proper methods, we might Soon Render Our Selves formidable to our Common Enemy Our Union is Our Strength— We are ready on the behalf of the Governments we Respectively Represent to Joyn With the neighbouring Governments and with the Six nations in promoting our mutual Safety and Defence and for the anoyance of those who are in heart Enemies to us all this being for your advantage as well as ours and an acting up to your Covenant Engagement we Cannot Doubt of your Chearfull and Ready Concurrence

A Belt

WILLIAM PITKIN* TO JONATHAN LAW.

HARTFORD June the: 19. 1744

Plese your Honour

by the order and at the Desire of the Committee

* William Pitkin, born 1694, died 1769, a resident of Hartford, held many public offices. He was a Representative, a member of the Council, Judge of the County Court, Chief Justice of the Supreme Court, and Deputy Governor. *Pitkin Family of America.*

of Warr in Hartford*, I would accquaint your Honour, that I Came yesterday from the fronteer Towns in this Collony. I find them But to poorly Provided for with arms and Powder though Some and Some Towns are Midleing well, they are Now in feer. and Jest in there Haying and Neer Harvest, and I dont See How they Can Do Without Some Help at Present, Without Which indeed they will be utterly Discouraged, Sharron and Selsbury, are in Great feer of the Indions on the west in New york Goverment, where is they Say Gathered above a 100 of them, with the Moravions and they think they Have Lately Ben Suplyed With Power &c in a private Manner So that they ware Jest on the Wings with advice—While I was at Litchfield, I Sent to Waterbury and Woodbury for Twenty men to be Sent to each of the Towns viz Sharon and Salsbury, to abide there Till Some further Povition be made for them, and in as Much as them Towns Lye in the County or Countys that Belong to the westward, and there is Ocation to Take men Here for Divers other Towns the Comittee of Warr thoat Proper thay Should be Suplyed from thence. Desire your Honour with the Counsell you Have (if you See fitt) to Suply them, Pray your Honour to Signifie to the Comitt^ee^ your mind in that affare, the men that went on a Suden will Not exspect to be Detained Long there, the full acc^t^ of the Motion of Indions and Moravions I before mentioned with the Desire of the People they Should Have Some Bounds

* The Committee of War appointed by the General Assembly in Oct. 1743 consisted of Deputy Governor Roger Wolcott, Nathaniel Stanly, Ozias Pitkin, William Pitkin, Capt. John Marsh, and Joseph Buckingham, all residents of Hartford or its immediate vicinity. In May 1744 the Assembly appointed an additional Committee of War consisting of Gov. Jonathan Law, Joseph Whiting, Roger Newton, Ebenezer Silliman, Capt. John Fowler, and Robert Treat, all residents of New Haven or its vicinity. *Colonial Records.*

Sett them I Sent with an exspress to His Honour the Deputy Governour thinking it the Best oppertunity while at Albany, and So Many from the other Govermens for Something to be Done, yett the More espeshall Occation of Now Sending to your Honour is About Powder Desire your Honour will Lett uss Know what Prosspect there is of any Comeing, Some wee are in Ness'aty of Haveing on Horse Back (If No other way) from New york or Some Town in this Collony, in a Short Time, for the Suply of the fronteer, Wee Have allready Ordred fortifications in Divers of the New Towns and the Comittee are About to Send Twenty Men to each Town Lying exsposed in this County, I Shall Not ad But that I am your Honours Obediant Humble

Sertt

WM PITKIN

[Superscribed] On His Majesties Service To the Honourable JONATHAN LAW Esqr In Milford

[Indorsed] Wm Pitkins Letter June 19. 1744—Concerning Frontiers

JONATHAN LAW TO WILLIAM SHIRLEY

MILFORD June 19 1744

Sr

I had the favour of Yours of ye 2d Instant with ye Proclamation of Warr as also ye Act of your Asembly on ye 5th I recd on fryday night following respecting Comrs for ye Congress att Albany our Assembly had Provided in Cas Such an Occasion shuld happen that with ye advice of ye Council I shuld send Comrs but the time was so farr lapsd as to Render that impracticable so I gave a Comn to Govr Wolcott and others who proceeded on Monday following hop-

ing to meet with your Com^rs at Sheffield I would also inform your Excellency That wee have appointed a Com^tee of Warr att Hartford who are impowered to send forces to youer Assistance in Case of any Invasion or Eminent danger y^r of (?) upon Request made

I Subscribe
Your Excelencies
very humble Servant
JONA^TH LAW

To W SHIRLEY Esq^r

[Indorsed] Copy of a Letter to Gov^r Shirley

JONATHAN LAW TO WILLIAM GREENE.

MILFORD June 19^th 1744

S^r

Youers of y^e 7^th Instant I lately rec^d I am of the Same opinion with your Hon^r our Interests are inseperable and Shall be ready to Give all Assistance for your Defence I had ordered y^e Captain of our Sloop to take in his full Complement of Men and to Cruise from Montauk to Gay Head in Consort with your Colony Sloop and was very glad to here it was agreeable to you

I tak leave to Subscribe
Your Hon^rs most humble
and obedient Servant
JON^TH LAW

To W GREEN Esq^r

P S

last Monday was Sennitt Gov^r Wolcott &c Com^rs for y^e Congress at Albany sett out on their Jurney from Hartford

J L

THE SIX NATIONS TO THE COMMISSIONERS FROM MASSACHUSETTS AND CONNECTICUT.

Answer of y^e^ Six nations to Massachusetts bay and Connecticutt the 20^th^ June 1744

Brethren of the province of Massachusetts bay and Connecticutt

You told us that you accidentally heard that a Conference was to be here at this Time between our brethren the Gov^r^ of New York and us and that as soon as you heard it you determined to Come here to this antient meeting place to Speak with us here in health we the Six nations do now answer you that we are Glad to See you here In health So far from from your habitations & that we have an oppertunity to See you face to face

Brethren

We are Verry Glad that you have renewed to us the antient Covenant Chain which has So Long Subsisted between us and we do also understand from you that you and all the other Governments upon the Continent are now Strictly united together we the Six nations do now on our parts Likewise renew the Same and make it Bright and we are Sure that no Breach has Ever been in it we do now by this belt make it Stronger than Ever

Brethren

We have all of us heard what our Brother the Gov^r^ of N: York has told us that war is proclaimed between the Crowns of Engl^d^ and france we are Glad to hear that you are united with us and the Government of New York for in the unity of the Colonys Consists their Strength You also told us that that handfull of men Compar'd with us the French are a Restless and Troublesom people that delighted in war

We are Convinced that your Governments have

Suffered Verry much from the Enemy heretofore but now we are united together we are not apprehensive of So much danger

We the Six nations do now assure you that we will act by you as we will do by our Brother of new York and as we have Just now told him and that if the Enemy or any of the Indians their adherents Attack any of your People you may depend that we will Joyn with you against them

Gave a Belt

INDIAN COMMISSIONERS TO FRENCH INDIAN.

Answer of the Comiss[rs] of Indian Affairs to Agnarausa a Cagnawage Indian y[e] 20[th] June 1744

You told us the Other day that you was Sent here by the Sachims of the Caghnawages to Inform us that they are Inclin[d] to Keep the Covenant Subsisting between us and in Consequence and in Consequence thereof not to meddle with the present war Between us and the french and that they are willing to meet here or at onondaga to Renew the Covenant you are to tell them for answer that we are Inclin[d] to Keep a neutrality as formerly agreed and not to Give any Occasion to Break it but in Order thereto we Expect as we have always told you (that all the Indians Living in Canada the Schaweindes Onagonges or by what other name they are Called as well as your Selves Shall firmly Observe a neutrality with us that is to Say not only with this province but with all his majestys Subjects upon this Cotinent and not molest any of them If all the Indians in Canada are Inclin[d] to Keep the peace in this manner then tell

them to Send Some of their Sachims of Each nation to this place in forty Days or Sooner (if they Can Where We Shall receive them Kindly and Confirm this neutrality with them all

[Indorsed] Comiss^rs for Indian Affairs to agnarauso Copy

MASSACHUSETTS COMMISSIONERS' PROPOSALS.

ALBANY June the 20^th^. 1744

To His Excellency the Hon^le^ George Clinton Esq^r^ Governour of New York To the Hon^ble^ Rog^er^ Wollcott and Nathanil Stanly Esquires Commissioners for the Colony of Connecticutt Convened here to Confer with the Several Tribes of Indians and In Concert with us the Commissioners of the Province of the Massachusetts Bay To Consult and agree on proper measures for the Mutual Defence of his Majestys Subjects of the Provinces and Colonys we Represent In the Present War against the French and Such as are or may be their Abettors and Adherants and for Annoying the Common Enemy In Such manner as may be thought most proper.

Whereas the Conference with the Said Indian Tribes which has Hitherto taken up our time is now in a manner over, we the Said Commissioners for the province of the Massachusetts Bay In the name of our Government do further propose to Your Excellency and Honours that it be now agreed.

First That in Case an Invasion Should be made by Sea or land on Either of the Said Governments by the French or Indians In the present War, the other Two Shall Hold themselves obliged to Send Succours to their Relief In Such number and manner

as may be Reasonable and Necessary and as we Shall now agree on.

2dly That a Proportion of men (to be armed Subsisted and paid by the Governments that Send them Respectively) be agreed on to Scout and Scour the Woods In Case of an Indian War.

3dly To agree on a Suitable number and proportion of good Cruising Vessells well armed and man'd by the Governments Respectively to Guard our Sea Coasts.

4th To agree upon the most proper methods for our Mutual Information and notice of any approaching Danger by Sea or Land.

5th To Consult about and agree to the most Effectual Measures of Annoying the Indian Enemy In Case they make war upon us.

6th To Stipulate that no peace be made with the Said Indians or any Tribe of them Warring with these or Either of these Governments without the Privity and Consent of the Whole.

7th To Consider the Necessity or Expediency of Carrying the French war into their own Settlements and to agree on the proportion of men Each Govern. ment Shall find In Case of Such an Attempt.

8th To agree on What Incouragement Shall be Given the Indian or English Soldiers we may Send out against ye Enemy

9th To Consider whether it may not be proper in Some Suitable manner to Desire the Governour of Canada to forbear the former Practice of Sending Scouts of French or Indians In Small Partyes on our Frontiers to knock our Women and Children in the head and propose that he Carry on the Warr In a manner more agreeable to the Usuage of Civilized Nations and to Lett him know that unless he Con-

forms hereto he will Necessitate us to take the Same methods with his People.

JOHN STODDARD
JACOB WENDELL
THO^{s} BERRY } Comissioners
JOHN CHOATE
THO HUTCHINSON

JOSEPH MINOR* TO JONATHAN LAW.

WOODBURY June 20th 1744

Hon^{able} S^{r}

I have here Inclosed, what Just now I Recd from our Neighbours at Kent, Respecting their want of ammunition, & where they Can have a supply I must Confess I am at a Loss: If your Hon^{r} & the Council with you, will Direct this Messenger where to get a supply either from some of the stores at the sea-side, or from the Gen^{ll} store it will be well As for the Moravians that were ordered out of this Goverm^{t} they are moved Just over the line into New York Goverm^{t} & seem to Keep our Indians in a Continual Stirr, If New York Authority would take orders to Remove them out of their Goverm^{t} It is thought that the uper Towns would be Considerably Quieted, I am Your Hon^{rs}

Humble Serv^{t}
JOSEPH MINOR

[Superscribed] To The Hon^{able} JONATHAN LAW Esq^{r} Gov^{r} of His Majesties Colony of Connecticut at Milford. ℔ M^{r} Barnum

[Indorsed] Coll^{l} Minors Letter

*Joseph Minor of Woodbury frequently represented his town in the General Assembly, was Judge of Probate for the District of Woodbury, and was appointed Colonel of the thirteenth regiment in Oct. 1739. *Colonial Records.*

JOSEPH MINOR TO JONATHAN LAW.

WOODBURY Jun 20th 1744.

Hon^rd S^r

By order from one of the Com^ttee of War at Hartford for the Releif of some of the upper Towns in our Goverment we sent thirty men for their help: & being ordered to move suddenly, we was Under Necesity to take men who have much business Lying on their Hands, & also to take Horses out of mens teams, who must lye stil til they Return, & therefore there seems to be a Necesity that our men should be speedily released & if there Must be men ordered to these Towns to Gaurd &c. whether It may not be best to order such persons to attend, whose business will not suffer, we should Gladly Receive orde[ ] Respecting our Indians, & hope your Hon^r will make such ord^rs Respecting the Indians as may be though needfull, I Just now understand from the Com^ttee of war at Hartford, that they have Desired your Hon^r to send help from the western parts to the Northwest Towns: &c: I Refer matters more ℘ticular to Col^l Preston &c: I wish yo^r Hon^rs Long & Lasting Health & am

Yo^r Hon^rs Obedient Serv^t

JOSEPH MINOR

P S

our men which were sent were ordered to Carry Provision for one week

[Superscribed] To The Hon^able JONATHAN LAW Esq^r Gov^r of his Maj^ties Colony of Connecticut att Milford ℘ Col^l Preston

[Indorsed] Coll^l Minors Letter

EDMUND LEWIS* TO JONATHAN LAW.

STRATFORD June y^e 22^d 1744

May it pleas y^r Hon^or although I am well satisfied that your Hon^r is fill^d with a deep Consearn for y^e Wellfare and safety of y^e people of this Gouerment that your Hon^r Under God has y^e Care of: and that you will aduise and do Euery thing that may be thought proper for there safety and Defence, and being my sef Consearned for y^e safety of my fellowmen & freinds that may be more Exposed to y^e Enemy in our frontear and New plantations Would humbly propose to your Hon^rs Consideration Whither it might not be best to Call in our owne Indians and by sum means haue them Confined within sum suitable limmits and ordred to make there appearance Euery day to sum sutable persons who may be Intrusted to haue y^e ouersite of them for if they should fall in with y^e Enemy being acquainted with y^e setuations of our scattered people in y^e Wilderness would be our worst Enemies. All which with due Regards to y^r Hon^r is submitted to your Hon^rs Wise Consideration by your Hon^rs most humble obedient seruant to Com^nd

EDMUND LEWIS

[Superscribed] To The Hon^able JONATHAN LAW Esq^r at Milford Gouerner.

[Indorsed] M^r Edmund Lewis's Letter

WILLIAM GREENE TO JONATHAN LAW.

NEWPORT 23^d of June A D 1744

S^r

Yours of the 19^th Instant; I this Day Rec^d And

*Edmund Lewis of Stratford was Deputy from that town, an Assistant, Justice of the Quorum and Lieutenant Colonel of the fourth regiment. *Colonial Records.*

Caused the Same to be Read in presence of our General assembly; the Contents of which was well approved of; but since Your Hon^r Doth not Inform us how long Your Sloop is to Cruise I am advised by our assembly to Inform Your Hon^r that our Sloop is ordered out as Soon as may be; and to Cruise from Marthaes Vinniard to Montague, and as far westward therof as the west end of Long Island; and so to Cruise untill the first of octob^r Next, provided Your Colony Sloop Shall Joine with ours in S^d Cruise; which I make no Doubt of from the Contents of Your Hon^rs Letter; this act of our assembly has Been past Since I wrote to Your Hon^r Last.

I Pray Your Hon^rs Answer as Soon as may be, our Sloop will Soon be Ready, the Chief She wates for is powder and that we Expect Daily from York or Philadelphia

I Am S^r
Your Hon^rs Most Humble
and obedient Servant
W GREENE

[Indorsed] Gov^r Greens Letter

JONATHAN LAW TO TITUS HURLBURT.

MILFORD June 26^th 1744

S^r

By y^e Advice of y^e Councill of Warr with me I hereby Order & Direct you to Enlist Twenty able bodyed men for y^e Managment of y^e Battery* and that they be Allowed half pay and you are to Instruct y^m in w^t is proper for Such Service

JON^TH LAW Gov^R

To TITUS HURLEBURT
Cap^t of y^e Battery

* The Battery was situated at New London. *Colonial Records.*

JOHN PRENTIS TO JONATHAN LAW.

May it please y^r Hon^r

I have Eighty men on board and all ready to saile Excepting powder our rigging is bad and thear is none to be had hear; if you hon^r will please to order 5 or 6 hundred weight of flax I Can have it made up Directly; we must have spare rigging in Case of an ingagment wheare we must Expect to have our rigging Cut to peices and if we have none to reave and mend we must suffer; I shall strictly Observe y^r Hon^rs orders from time to time

I remain y^r Hon^rs most

Obed^t Humble Serv^t

JOHN PRENTIS

NEW LONDON June 27^th 1744

[Superscribed] On His Majestys Service To the Hon^rl JONATHAN LAW Esq^r in Milford

[Indorsed] Capt^n Prentice Letter June 27 1744

JEREMIAH MILLER* TO JONATHAN LAW.

N. LOND^N June y^e 27^th 1744

S^r

I have your Hon^rs fav^r of y^e 19^th Instant and am Sorry to hear that you are out of Health Especially at a Juncture when your Hon^rs Counsel & assistance is so very Necessary and you must neads have so much up^n your Hands

I percieve Our Country Sloop has now almost y^e

*See Talcott Papers, II, 187 (*Collections, V*).

full Compᵘᵗ of Hands on Board; the officʳˢ apply to me Daily to do what is not in my power viz. to Supply yᵉ Sloop with Gun powdʳ I've Read to yᵐ yᵗ paragrᵖʰ of your Honʳˢ Letʳ Relating to this Article, & tell them that I know that yᵉ best & most Expeditiᵘˢ measures will be taken to Effect yᵉ thing; Mʳ Gross yᵉ Lieuᵗ is at my Ellbow and desires me to signify that He (when out on a Cruise) will stand pilate if approvd off by your Honʳ as it is by yᵉ Capᵗ

I Doubt not nor Nevʳ did, of your Honʳˢ Readiness to put this Port & place into a bettʳ posture of Defence, & in my poor Essays to do it have had in view not Our Safety only, but yᵉ good of yᵉ Constitutⁿ Have always Even Down to this Momᵗ done my utmost to prevent Peoples taking any Methods (that might affect our Privilᵍᵉ) Either by Design or Accident

the guns wᶜʰ your Honʳ mention I mounted at yᵉ Harbʳˢ Mouthˢ immediately after my Return from yᵉ Assembly but they nor Even the Battery it self Can be of any Service unless your Honʳ & Councˡˡ pursuᵗ to yᵉ Act of Assembly in yᵉ Case (a Copy of wᶜʰ is before Me) shall Order yᵉ Capᵗ of yᵉ Battery To Inlist a suitable Numbʳ of Men Subjected to His Command and Regulated and Discipᵈ as Directed in yᵉ Act aforesᵈ the Letʳ wᶜʰ attended Mʳ Hulls Bill Can Suffer nothing by being open'd, He Desires your Honʳ to Close it again I gave Mʳ Hull as before Hinted my word that He might Expect an Order for His Money soon and in Contracting for the Bill, told Him I would stand Ready to pay yᵉ purchase in Case there Should be any Delay.

Your Honʳ will pardon yᵉ Errors of wʰᵗ I've writ

in a Hurry Especially since I am much Indispos'd I am

Your Hon^rs Most Obliged Hum^le Serv^t

JER. MILLER

To Gov^r LAW

[Superscribed] To The Hon^ble JONATH^N LAW Esq^r Govern^r of His Majestys Colony of Connectic^t at Milford. 1 s/6^d

[Indorsed] M^r Millers Letter June 27 1744

JONATHAN LAW TO GURDON SALTONSTALL.

To Coll^l Saltonstall &c Com^tee

The Counsell cant Think it needfull at present to Call an Assembly.

Sir Please to Inform y^e Severall Gentlemen Concerned that my Son Andrew is Just Returned from N: York with Account from M^r Lewis who has procured Eight half Barrells of powder at y^e Rate of 25^ll ℔ Barrell and no more Could be Obtained and had he been but a Few Minutes Later it had been Sold for 26^ll, as was y^t which he had Engaged for 16^ll, of which wee are Disapointed it is to be brôt from Whitstene by M^r Sears of Middletown, and it is Consigned to Col. Whiting of New Haven;

I Rec^d an Account from Gov^r Green of a Vote of their Assembly for their Sloop to Cruise with ours where I had before directed Cap^t Prentis

The Gentlemen with me dont at present See it proper to order any thing for which he moved and Conclude it proper for y^e Commissary to provide

JON^TH LAW Gov^R

MILFORD June 28^th 1744.

Post S. I have inclosed an Order on y^e Treas-

urer to pay to Esq^r Hull 250^ll old Tenner for y^e Bill of Exchange of 50^ll Sterling Could be glad of 19^teen more N: York money or Sterling Equivolant of which you will Inform me if any way can be found for it Give my Thanks and Service

J. L.

[Indorsed] Copy of a Letter to Coll Saltonstal

JONATHAN LAW TO WILLIAM GREENE.

MILFORD June 29^th 1744

S^r

I just now rec^d ℔ the post Yours of the 23^d Instant and M^r Coggeshall Intending to Sail for Newport this Night or to Morrow Morning thôt it most likely to give you the Quickest Intelligence thôt best to Improve it and Shall give Orders According to Your proposals Thô I am not so fully Sensible of the Advantague in Going any further westward than was at first projected & had rather that were abated, but if you insist upon it Shall make no Difficulty. I also this day rec^d Acc^t from New London that our Sloop is near fully Mañed & will be delay^d only on Acc^t of the Same Article w^c Yours is; a Supply of w^c I hourly Expect from N York to be landed att New Haven even all that I can any where procure, when & where Yours & ours may Joyn Give Notice to our Cap^t Prentis att New London; I am Inform^d from Boston this Day That Cap^t Tyng on Saturday Night last took a french Privateer off the Back of Cape Codd but Doubt not but you have fuller Acc^t.

Our Comm^rs from Albany are Return^d & y^e Indians propose a Neutrality w^c is Accepted & y^e French Indians are Allowed 40 Days to Come to Albany by

Y^r^ Sachems & Come into the Same Agreement Otherways to be look upon as Enemies & two Sachems are Gone to y^e^ Eastward to Oblige y^e^ Indians there to Come into s^d^ Same, Doubtless you have or will Soon have a full Acc^t^ y^r^of. I take leave to Assure Your Hon^r^ That I am

Your assured Friend &
Humble Servant

To Gov^r^ GREEN

[Indorsed by Law] Copy of Letter to Gov^r^ Green June 29 1744

JONATHAN HAIT TO JONATHAN LAW.

STANFORD(?) July y^e^ 5^th^ 1744

May it please yo^r^: Hone^r^: Persuant to yo^r^: Hone^rs^ order & Direction to me I have Enlisted one Hundred Good Effective men in y^e^ Ninth Regiment of y^e^ militia of This Colony according to yo^r^: Hone^rs^ order & y^e^ men out of Each Compeny in s^d^ Regiment are as folloeth

out of Cap^t^ woods Compeny y^e^ first militery Compeny in stanford Ten Good Effective men all of Them Imprest	10
& out of Cap^t^ maltbies Compeny y^e^ second militery Compeny in stanford Eleven Good Effective men & all of Them volunteers	11
& out of Cap^t^ ketchums Cumpeny y^e^ first militery Compeny in Norwalk Ten Good Effective men all of Them Imprest	10
& out of Cap^t^ Clugstons Cumpeny y^e^ second militery Compeny in Norwalk Ten Good Effective men & all of Them Imprest	10
& out of Cap^t^ marvens Compeny in wilton Parrish Ten Good Effective men one Enlisted volunteer & Nine of Them Imprest	10

& out of Cap[t] Carters Compeny in Ca[naan?] Parrish Eight Good Effective men all of Them Imprest } 8

& out of Cap[t] Raymonds Compeny in medlesex Parrish Eight Good Effective men all of Them Imprest } 8

& out of Cap[t] Pecks Compeny in Greenwich Three Good Effective men one volunteer & two Imprest } 3

& out of Cap[t] Chapmans Compeny in Ridgefield Nine Good Effective men Eight volunteers one Imprest } 9

& out of Cap[t] meads Compeny in hors Neck in Greenwich Eight Good Effective men all of Them Imprest } 8

& Out of Cap[t] knaps Compeny in hors Neck in Greenwich seven Good Effective men & all of Them Imprest } 7

& out of Cap[t] ferrises Compeny in stanwich Parrish six Good Effective men and all of Them volunteers } 6

& I hope y[t] They will be all Ready when yo[r] Hone[r] shall order to y[e] assistance of New york & I Remain yo[r] hone[rs] most obediant servant

JON[TH]: HAIT COLO[L]

[Superscribed] [ ]ON[TH] LAW Esq[r] [ ] [ ] majestys Colony [ ] in New England at [ ]ford These

LIST OF SOLDIERS FROM COL. JONATHAN HAIT'S REGIMENT.

May it pleas yo[r] Hon[r] pursuant to yo[r] Hon[rs] order to me I have Enlisted & Imprest one Hundred Good Effective men in y[e] Ninth Regiment of y[e] mi-

litia of This Colony according to yo^{r} Hon^{rs} order dated June y^{e} 14th 1744 & a list of Their Names I hear return to yo^{r} Hon^{r} & They are as folloeth

In Cap^{t} wood Compeny Imprest

Nath^{ll} Hail Ju^{r}
Nath^{ll} wood Ju^{r}
frances Brown Ju^{r}
will^{m} lloyd
Eb^{r} waterbery
Jonth Stevens
Joseph Hunt Ju^{r}
Israel leeds
Israel lockwood
Jonth waterbery Ju^{r}

Cap^{t} maltbies Comp^{n}
Amos wood
david June
Quint Pach
Jonathan Clason
Nath^{ll} lownsbery
Josiah Scofield
Reuben knap
Sam^{ll} Pettet
Nehemiah lownsbery
Gershom mead
daniel whitney
all volunteers

Cap^{t} ketchum Comp^{n}
Joseph marvin
Nathan mallery
Janes fitch Ju^{r}
david Bouton
Sam^{ll} Gregory
John Hyat
Joseph Scrifner
uriah Scrifner
Eb^{r} Hanford
John Taylor Ju^{r}
all Imprest

in Cap^{t} Clugston Cumpeny
John Lockwood
Nathan S^{t} John
Thomas Betts
Daniel Lockwood
Thomas Gregory
Dan^{l} Raymond
Joseph Jarvis
Dan^{l} Knap
William Trusdill
William Parker
all Impressed

In Cap^{t} Marvins Company
Moses Jackson Volunteer
W^{m} Sterling
Martin Elmer
John Cole
Joseph Patchin
Philip Phillups
Isaac Burchard
Nath^{l} Griffin
Benj^{a} Stewart
Joseph Ketchum Impressed

In Cap^{t} Chapmas Company
Henry Whitne
Joseph Davis
Albert Chapman
Jonathan Olmstead
Benj^{a} Hayt Jun^{r}
Thomas Halley
Elijah Keeler
Jacob Cane
} Volunteers
Eben^{z} Stebbens Impressed

In Cap^{t} Pecks Company
Eben^{r} Burley
Sam^{l} Johnson
Jon^{a} Whelply Jun^{r}
one Volunteer
two Impressed

Cap^{t} Raymonds Company
John Raymond Jun^{r}
Kitchel Bell
Abraham Reed
Nathan Sellick Jun^{r}
David Sellick Jun^{r}
Sam^{l} Bates
Joshua Morehouse Jun^{r}
Thomas Slauson
all Impressed

In Cap^{t} Carters Company
Eben^{r} Smith
William Bolt
person Bishop
David Stephens
John Finch Jun^{r}
Dan^{l} Tuttle
Dan^{l} Benerdict
Elijah Green all Impressed

In Cap^{t} Ferris Company
John Ferris Jun^{r}
Peter Ferris Jun^{r}
Jehiel Tyler
Isaac Palmer
Enos Palmer
Nath^{l} How all Volunteers

In Cap^{t} Knaps Company
Caleb Ferris Jun^{r}
Nath^{ll} Studwell
Zebediah Mead
Benj^{a} Holms
W^{m} Williams
Benjamin Holy Jun^{r}
Thomas Griffis
all Impressed

In Cap^{t} Meads Compay
Sam^{l} Bush
Morris Callary
Peter Cavanaugh
John Reike (?)
Sam^{l} Perry
Joseph Barton Jun^{r}
Charles Disney
John Rich all Impressed

A True list Examined
pr JONTH HAIT Colo^{l}

[Indorsed by Law] Coll^{l} Hoits List of Souldiers

LIST OF SOLDIERS FROM COL. JOHN BURR'S REGIMENT.

Here follows a List of y^e^ Souldiers Enlisted & Impressed out of my Ridgment pursuant to his Honours y^e^ Govenours Orders bearing date June y^e^ 14^th^ A D 1744

Souldiers Enlisted
Andrew Burr Jun^r^
Jabez Buckley
Benjamin Lines
David Darling
Joseph Gold
Joseph Merchant
William Arnold
Peter Foot
John Barlow
John Godfree
Beebe Mills

Souldiers Impressed
John Gilbert
Dan^l^ Booth
Zachariah Blackman
Hez: Thompson
John Burton
John Wilcoxen
Nathan Beardslee
Lewis Judson
William Nickolls
Josiah Bears
John Whitehead
Benj^a^ Jennings
Hous Osburn
Dan^ll^ Perry
Sam^ll^ Wells Jun^r^
Benj^a^ Wheeler
John Cooke
Eben^r^ Wakele
Charles Burrit Jun^r^
David Lacey Jun^r^
Hez: Bennitt
Nath^ll^ Hall
Elisha Wakele
Deliverance Wakele
Gershom Odell
Benj^a^ Seeley
Dan^l^ Turney
John Summers Jun^r^
Eben^r^ Midlebrook
Nathan Thompson
Jabez Patchin
Stephen Turney
Jon^a^ Whitlock (?)
Anthony Annaball
Dan^l^ Silliman
Benj^a^ Squire
John Murwin
Nath^ll^ Sterling
Isaac Halley
George Outman
Sam^l^ Hurd
Gideon Booth
Edmund Leavensworth
Sam^l^ Davis Jun^r^
John Jones
Butler Malary

Nathan Guyre
Richard Ring
Stephen Butler
Nathan Godfree
Eben[r] Andrews
Thaddeus Morehouse
Eben[r] Mead
Andrew Sherwood
Eben[r] Squire
Ephraim Bears Jun[r]
Benj[a] Frost
Isaac Sherwood
Sam[l] Elwell
And[w] Winton
John Whitney
Stephen Hull
David Tharp
Joseph Gilber
John Drew
Lemuel Price Jun[r]
Eben[r] Tharp
David Williams Jun[r]
Thaddeus Whitlock
Dan[l] Rumsey
Thomas Turney
John White
Joseph Oakley
Thaddeus Hubble
Samuel Bascet
John Peet
Eben[r] Foot
Amos Henman
Sam[l] Curtiss
Augur Judson
Eben[r] Huble
Sam[l] Beach
Dan[l] Wells
Thomas Curtiss
David Barlow
Joseph Brinslee
Joseph Paterson
Edward Osburn
John Porter

JOHN BURR Col

[Indorsed by Law] Coll[l] Burrs List of Souldiers

JONATHAN LAW TO THE GOVERNOR'S COUNCIL.

To y[e] Hon[bl] Roger Wolcott Esq[r] L. Gov

James Wadsworth
Nath[l] Stanly
Joseph Whiting
Ozias Pitkin
Timothy Perce
Samuel Lynde
Will[m] Pitkin
Jon[th] Trumble
John Bulkley
} Esq[rs]

Having special Occasion for a Council I hereby appoint Wednesday next for a Council to be held in Newhaven att the Council Chamber and accordingly require your Attendance

Given under my hand att Milford this 6th day of July Anno Dom, 1744 & 18th year of King George ye second

JONTH LAW Govr

ORDERS OF THE GOVERNOR AND COUNCIL.

At a meeting of the Govr and Council In New Haven July 11th A D 1744

Present

The Honble Jonathan Law Esqr Govr.
The Honble Roger Woolcott Esqr D Govr.
James Wadsworth Esqr.
Nathll: Stanly Esqr.
Joseph Whiting Esqr.
Timo Pierce Esqr.
Samll Lynde Esqr.
Willm Pitkin Esqr.
Roger Newton Esqr.
Eb Sillaman Esqr.
} Assistants

Ordered that his Honr ye Govr be desired to wright to his Excellencey Govr Clinton and Informe him that the matters proposed to be Considered of by the Coñissinors from the Several Goverments are Such that Coñissinors Cannot be Appointed, in this Coloney but by the Generall Assembly & that the time is so Short, be fore ye Convention that ye Calling an Assembly is altogether Impractable, requesting of him that in Case Comissinors Shall Convene at N york from the other Goverments he would in forme his

Hon^{r} of the resolution of Such Comissinors that they allso may be laid before our General Assembly

Ordered that the third Wensday of August next be religiously observed as a day of public fasting and prayer through out this Coloney to Implore the Divine Blessing and protection on His majesties Sacred person; and Success on his armes in the present Warr, and that God would Save us from y^{e} miserey and Calamities of warr, prepare his people for the blessings of peace and in his own time restore it to them

The Treasurer of this Coloney is hearby Ordered & Directed to pay out So much of the Silver in the Treasurey to his Hon^{r} y^{e} Gov^{r} as Shall be Sufficent to pay for five barrels of powder, Lately purchased and allso for what remains due for what was purchased before

A true Coppy Exam^{d}

℔ NATH^{LL} STANLY Clerk Council

[Indorsed] Acts of Council N H July 11 1744

JONATHAN LAW TO GEORGE CLINTON.*

MILFORD July 13th 1744

Please Your Excellency

On an Intimation from Gov^{r} Wolcott of a Proposal for a Meeting att N. York the next Week of Com^{rs} from y^{e} several Provinces I calld the Council who are of Opinion That y^{e} things proposed require a more especial Direction of the Assembly, w^{ch} the shortness of time renders it impracticable to comply

* George Clinton was youngest son of Francis, sixth Earl of Lincoln. After having held the position of commodore and governor of Newfoundland he became governor of New York in Sept. 1743 and continued in the office for ten years. He was vice-admiral of the red in 1745, and admiral of the fleet in 1757. *Appleton's Cyclopedia of American Biography.*

with. I therefore desire if any measures should be come into, That you would please to acquaint me with them that I may lay them before our Assembly the first Opportunity. and Subscribe

Your Excellencies
most humble Servant
JONTH LAW

To Govr Clinton
[Indorsed] Coppy to Govr Clinton July 13 1744

JONATHAN LAW TO FRANCIS LEWIS.

Milford July 13 1744

Sr

I am Inform'd by yours of the 9th Instant that You have procured five hundred weight of Powder & have it at Your Country Seat, Which please to Shipp by the first Good & Safe Opportunity To New Haven & Consigne it To Joseph Whiting Esq as before &c and Shall by the first Conve[ ] Opportunity Send the pay for Said pow[ ] and the Ballance of our old Account

from your Humble
Servant
JONTH LAW

To Mr Fran Lewis, New York
[Indorsed] Coppy of Letter to Mr Lewis July 13 1744

ELIAKIM PALMER TO JONATHAN LAW.

Sir

As I have at present nothing very material to write you this serves only as a Cover to two Letters, one of wch being from a Commtee chosen here for taking Care of the Civill Affairs of the Dissenters

of w^ch I am one I need add nothing more than my best wishes for the Prosperity of the Province in all its concerns & that the Religion of Christ may in its greatest purity flourish among you

I am Sir

Yo^r Hon^rs most faithfull

hum^le Serv^t

ELIAK^M PALMER

LONDON 14^th July 1744

To the Hon^ble JON^A LAW Esq^r

WILLIAM SHARPE TO THE COLONY OF CONNECTICUT.*

At the Court of Kensington,
the 19^th day of July 1744.
(L. S.) Present
The Kings most Excellent Majesty
in Council.

Upon reading at the Board a Report from the Right Honourable the Lords of the Committee of Council, Dated the 19^th of last Month, relating to the making a Settlement upon the Island of Rattan;†— His Majesty in Council was this day pleased to approve of what was therein proposed, and hath accordingly Ordered, That the Governor of Jamaica should issue a Proclamation in his Majesty's Name

* This document accompanied a letter from the Board of Trade dated Aug. 28, 1744. Sharpe was clerk of the Privy Council. *Kimball's Correspondence of Colonial Governors of Rhode Island.*

† Rattan, now called Ruatan, Island is the principal one of the Bay Islands lying off the coast of Honduras some five hundred miles from Jamaica. It is about thirty miles long by eight to thirteen in width. It has numerous harbors of which Port Royal is the chief. A few years after this date it is described as a very plentiful island, abounding with wild animals, fowl, turtle and fish, having rich and fertile soil and much large timber. *Jefferys' Description of the Spanish West Indies.*

promising the following Encouragements to such Persons being Protestants as shall be willing to settle in that Island, — Viz^{t}.

"That Port Royal in Ratan shall be a free Port "for all His Majesty's Subjects, where no Duties "either of Export or Import shall be paid for any "Goods or Shipping under any Pretence whatsoever."

"That a reasonable Quantity of Land shall be "granted to all New Comers being Protestants, either "British or Foreigners, in Fee Simple, in proportion "to the Number of People by them Imported, that "is to say, for every Man, Woman or Child as well "Freemen as Slaves, Twenty Acres."

"That the Land shall be surveyed, laid out and "granted to such New Comers, free of all Fees, "Charges or Rewards for which Purpose a proper "Person may be Authorized by his Majesty."

"That the said Lands shall likewise be exempt "from all Quit Rents, Dutys and Services for Twenty "Years from the Date of their respective Grants, ex- "cept only Services in the Militia for Defence of the "Island in time of Need, and after Expiration of "Twenty Years to pay a Quit Rent not exceeding "Two Shillings for each hundred Acres."

"That Every Inhabitant his Family and Slaves "shall be subsisted with Provisions out of the publick "Stores for the first Year after their Arrival, and be "furnished with working Tools for clearing and cul- "tivating their Lands."

"That all Protestant Natives or Foreigners shall "enjoy full Liberty of Conscience in Matters of Re- "ligion and be intitled to all the Privileges apper- "taining to English Subjects."

"That no Inhabitant of the said Island, during "his Continuance there, shall be arrested, Distrained

"or prosecuted for any Debt contracted before his "Arrival in the said Island."

"That an additional Encouragement be given in "Grants of Land to all Carpenters, Sawyers, Smiths, "Coopers, Masons, Bricklayers, Brickmakers and all "other Handicraft Tradesmen that shall settle in the "said Island."

"That His Majesty is graciously pleased to issue "his Royal Orders to the Governor of Jamaica and "to the Commander of His Majesty's Squadron sta- "tioned on that Island, upon all Occasions to protect, "defend and assist the Inhabitants of Rattan."

And His Majesty judging it proper, in order to the making a speedy Settlement on the said Island, that the aforementioned Encouragements should be published and made known in Others of his Majesty's Colonies abroad, Doth therefore hereby Order, That the Lords Commissioners for Trade and Plantations do transmit Copys of this Order to the Governors and Commanders in Chief of such of His Majesty's Colonies in America, as they shall think proper on this Occasion, with Directions to them to cause the said Encouragements to be published and distributed within their respective Governments.

Sign'd

W: SHARPE

[Indorsed] Rattan

FRANCIS LEWIS TO JONATHAN LAW.

N^w^ YORK 21 July 1744

*S^r^*

Since I rece'd your Honours last Letter I have several times enquired but have not yet heard of an opertunity for N^w^ Haven, perhaps Some other Port in your Goverm^t^ may do as well if so pray advise me,

for I am a little uneasay at its lying So long at my Place in the Country, a Place not alltogeather so fitt for that Commodity as a Magazine, your farther directions will oblige

S^r Y^r Most Hum^e Serv^t
FRAN: LEWIS

P S. Being Indisposed I am now in the Country for my health so that if you have writ by the last Post & should not be answered please to attribute it to the above cause

[Superscribed] To the Hon^ble JONATHAN LAW Esq^r Governor & Command^r in Cheif of his Majestys Collony of Conecticut at Milford, N Y 2:

[Indorsed] M^r Lewis's Letter of July 21 1744

GEORGE CLINTON TO JONATHAN LAW.

NEW YORK 23 July 1744

Sir

I have recd yours of 13 inst, and shall acquaint you, what is done by our Assembly (which is now Sitting) for the service of the Publick, having mentioned to them, the powers that the Massachusets & Connecticut Governm^ts had, to enter into measures with me, for our mutual Safety.

I am Sir
Your most Humble
Servant
G CLINTON

The Hon^ble JON^N LAW Esq^r

[Superscribed] On His Majestys Service N Y 2: To The Hon^ble JONATHAN LAW Esq^r Governour & Commander in Chief of His Majestys Colony of Connecticut at Milford N England

[Indorsed] Gov Clintons Letter of July 23, 1744

TIMOTHY GREEN TO JONATHAN LAW.

NEW-LONDON July 25th 1744.

May it Please your Honour,

Your Honors of the 18th Instant came Safe to my hands, I immediately went about the proclamations and sent away on Saturday to Windham and to Hartford,* and design to Send away the rest this Afternoon: I have also Printed the Laws of the Last Session and thought best to Send both together, for it will Save Charges, or I had designed to have Sent the Laws Somthing Sooner. our Colony Sloop has been gone above a week and mr Wanton of Rhode Island tells me we out-do them — I perceive the Rhode Island Sloop is gone out with ours — If your Honour will please to open the Bundle for New Haven County, there is a proclamation and the Laws for your Honour, I have wrote on the out Side for every Town Parish and Person in the Counties that I know of: but if your honor finds any omission, I here Send a few Supernumeraries. With humble Duty to your Honour &c

I am

Your Honours humble Servant

TIMOTHY GREEN.

[Superscribed] to the Honourable JONATHAN LAW Esq: At Milford

[Indorsed] Mr Greens Letter of July 25 1744 [ ]

* The laws and other public prints were usually sent by the printer to the sheriff of each county to be by him distributed within his county; a certain number of copies, as in this instance, being designated for each town and parish, the courts and certain individuals also being favored with copies. What the proclamation here mentioned contained is not known; doubtless it had reference to the troubles with the French and Indians, and it may have been the agreement of June 20 with Massachusetts and New York for mutual defense.

JOHN PRENTIS TO JONATHAN LAW.

May it please y^r^ Honnor

I arived Last night with the Rhoad island Sloop in this Harbor from a Cruze but have mett with none but freinds, we shall Sale To morrow morning on another Cruze; The Sloop proves much better then I Exspected, we Can out Saile the Rhoad Island sloap much; and She proves as Stiff as their sloop we beat thear tip Top boats at Rhoad Island To thear great mortification M^r^ Silliman Háth not sent me aney provisons Sence the first parcell soe am Obliged To purchass some for this Cruse which I hope will not be Disagreable for I must have stopt my Cruse if I had not, I remain y^r^ Hon^rs^ most Obedient Humb^le^ Serv^t^

JOHN PRENTIS

NEW LONDON July 28^th^ 1744

[Superscribed] On His Majestys Service To The Honnorable JONATHAN LAW Esq^r^ in Milford

[Indorsed] Cap^t^ Prentis's Letter July 28 1744

FRANCIS LEWIS TO JONATHAN LAW.

NEW YORK 6 Aug^t^ 1744

*S^r^*

I am favour'd with yours of the 26 Ult^o^ and am now to advise you that I have agreed to Ship Your Gun Powder on board Cap^t^ Nich^o^ Carmer's Sloop who will Sail in two or three days for New Lond^n^ Shall agreeable to your order Consign it to Coll Gurdon Saltonstall, there, at foot you have the Am^o^ of the

Gun Powder, I shall be always Glad of an opportunity of rendering you my service & am

S^r^

Your Most Hum^e^ Serv^t^

FRAN: LEWIS

The Hon^ble^ Jon^a^ Law Esq^r^

To Fran: Lewis D^r^

1744			
July 21^st^	To 10/2 Barrells Pouder £26	£130	0 0
	To Cash p^d^ Cart^g^ & boat Hire up y^e^ Sound & Stor^g^	2	0 0
	To my Commiss^ns^ a 5 ℘C^t^	6	12 0
		£138	12 0

[Superscribed] N Y 2: To The Hon^ble^ JONATHAN LAW Esq^r^ Govern^r^ of his Majestys Colloney of Conecticut at Milford

[Indorsed] M^r^ Lewis's Letter Aug^st^ 6 1744

JOHN PRENTIS TO JONATHAN LAW.

*May it Please y^r^ Honn^r^*

On satterday Evening last att Seven a Clock in Chase of a saile which Carried Saile Verey hard, I had the Misfortune to Split my maine saile it proving rotten, I brought toe and fired a gun but Sunday morning not Seeing my Consort, I made the best of my way to this port whear I am now a mending my Saile and Cleaning my Vesell, my sailes proves bad by bad Usaige, I shall saile on fryday if the saile maker mends my Verey much shattred Saile. I have

had pleasant Cruses as yett and mett with nothing but freinds I have Spoken with Every saile I have seen Except this which I supose to be a Vesell from Newport to Philadelphia; Block Island Bore N N W about Ten Leags Distance when I receved this Dammage, my men are all well and in high Sperritt

I remain your Honnrs Most Obedient
Humble Servant

JOHN PRENTIS

New London Agust 14th 1744

[Superscribed] On His Majestys Service To The Honnorable Jonathan Law Esq in Milford

[Indorsed] Capt Prentis's Letter Augst 1744

BOARD OF TRADE TO THE GOVERNOR AND COMPANY.

Whitehall, August 28th 1744.

Gentlemen,

His Majesty having been pleased by His Order in Council, dated the 19th of July 1744, to order that the Governor of Jamaica should issue a Proclamation in His Majesty's Name, promising certain Encouragements to such Persons being Protestants, as shall be willing to settle in the Island of Rattan, and His Majesty, judging it proper, in order to the making a speedy Settlement on the said Island, that the said Encouragements should be published and made known in other of His Majesty's Colonies abroad, hath therefore directed us to transmit Copies of the said Order to the Governors & Commanders in Chief of His Colonies in America, and We do accordingly send you a Copy of the said Order inclosed, that you may

make the said Encouragements publickly known. So We bid you heartily farewell, and are

Your very loving Friends & humble Servants,

M. BLADEN
R PLUMER
JA: BRUDENELL
B KEENE*

Governor & Company of Connecticut.

[Indorsed] Board of Trade abt Rattan 19 July 1744

AFFIDAVITS ABOUT FRENCH SHIPS.†

New York ss

The Examinations of Richard Harris, Jacques Monreau, and Jacques Jannette Taken before his Majesties Council for the Province of New York the 31st day of August 1744.

Richard Harris Master of the Privateer Sloop Elizabeth Thomas Barns Commander Says. That on or about the 8th Instant they took the Ship LeBon now brought into this Port in Lattitude 46 about 25 Leagues to the Eastward of Cape Breton two days before which in much about the same Lattitude they saw three large Ships under French Coulours which they took to be French Men of Warr and Judged them to be one of 70 Guns one of 60 Guns and ye other of

* Hon. James Brudenell, younger brother of George, third Earl of Cardigan, was appointed a member of the Board in May or June, 1730. Martin Bladen and Richard Plumer were appointed in 1735. Sir Benjamin Keene, a diplomatist who held many official positions, was a member from Feb., 1742, to Dec., 1744. *Dictionary of National Biography; Collins's Peerage of England;* Talcott Papers (*Collections, IV, V*).

† Inclosed with Gov. William Greene's letter of Sept. 21, 1744.

40 Guns That before that They saw at three Several Times a French 50 Gun Ship Cruizing of and on Cape Breton, and a Reason he has to believe that Ship was a French 50 Gun Ship is that they took a small fishing Sloop the people of which informed them thereof And that She came out of Louisburgh and also informed them that there were then four Ships of 20 Guns each at Louisburgh.

Jacques Monreau Master of the Ship LeBon bound from Rochell to Louisburgh but taken the 8th Instant by the Privateer Sloop Elizabeth, Saith, That he with Several other Merchant Men parted from Rochell the 18 of June N. S. under convoy of three Men of Warr Vizt L'Ardent of 70 Guns and 600 Men bound for Louisburgh, La Gironde of 44 Guns between five or Six hundred Men bound to Quebec being to leave some of those Men at Quebeck for a 70 Gun Ship built or building there and another Ship whose Name he has forgot of 26 Guns bound to the French Islands. Besides which there were the Brilliant a fine Company Ship of 56 Guns and about 500 Men and another Company Ship, La Fleur of 26 Guns and 400 Men that the Companys port or place of Loading is L'Orient Between Brest and Rochell from whence they came to Rochell for Convoy, That there were 21 Merchant Men came out under that convoy some of which carried from 18 to 24 Guns and three of them only of 2 Guns. That those of 20 or 24 Guns carried 70 or 80 Men That nine of the Merchant Ships were bound for the Isles and twelve for Cape Breton and Quebec That the Gironde and Merchant Men bound to Quebec carried Men and Ammunition &ca for the Ship Building there, That the Men of Warr convoyed them about two hundred Leagues from the Coasts of France and then made the best of their Way.

Jaques Janette Mariner on board the Ship LeBon saith that he left Rochell the 18th June under Convoy of 3 Men of Warr and 2 Company Ships fitted out by the King, three of which were bound for these parts and two for the French Islands. The Ships were L'Ardent of 70 Guns & 600 Men having Flour Salt Gun powder & Balls on Board & bound for Cape Breton — The Brilliant of fifty Six Guns & 550 Men bound to the same place & was a Company Ship but taken up by the King armed only for Warr & was to be Convoy to the East India Ships which were to come to Louisburgh for that purpose which they Expected to find there — La Gironde of 46 Guns 170 Men bound for the French Islands & parted about 300 Leagues from France with 9 Merchant Men bound for those parts with Merchandise provisions &c.— La Fleur 26 Guns 370 Men a Company Ship in the King's Service & was to be Companion to the Brilliant to Convoy Home the East India Men.

L'Elephant of 26 Guns & 470 Men bound to the French Islands, There were also 12 other Merchant Ships bound to Louisburgh & Quebec. Those to Louisburgh were loaden with Flour Bread Stuffs Brandy Salt, Wine Oyl powder Ball &c And those to Quebec had some Warlike Stores for the King And the same Goods Except Bread & Flour of which there is Enough at Quebec — Says he has been twice at Quebec, that the Common Time of Arriving there is the beginning of August, the Time of departing by the King's Ordinance must be by the 18th of November. That 18 of the Merchant Men that Came out with him had from 20 to 26 Guns & 80 Men those bound to Quebec were the Strongest because they Carry a valuable Cargo and 3 or 4 had very few Cannon his Ship having only 2 & no powder. That a 70 Gun

Ship has been for some Time built at Quebec The Captain for which went passenger in the L'Ardent & was to Go to Quebec to fetch her & meet y^e^ L'Ardent at Louisburgh. The Men for which new Ship went passengers in the Merchant Men Who also Carried the Guns & other things for her.

WILLIAM SHIRLEY TO JONATHAN LAW

BOSTON Septem^r^ 19. 1744.

Sir,

There are just arrived in this Place three Flags of Truce from Louisbourg with a great Number of English Prisoners, Officers & others; By whom I have certain Intelligence that two Privateers (a Brigantine & a small Ship) were already come out from thence to cruize upon these Coasts, and that another Brigantine Privateer was ready to sail from thence upon the same design: I have thereupon ordered the two Guard Vessels belonging to this Province now in Port to sail forthwith in quest of these Vessels. This Advice I send to your Honour, presuming that you will order out your Guard Vessel for the Protection of the Navigation belonging to his Majesty's Subjects.

I am
Your Honours most obedient
humble Servant
W SHIRLEY

The hon^ble^ JONATHAN LAW Esq^r^

WILLIAM GREENE TO JONATHAN LAW

*S^r^*

Last Night I received a Pacquet from his Ex-cel^cy^ William Shirley Esq Governour of the Massachusets Bay &c, Wherein am informed, That three Flags of Truce arrived from Louisbourg with a great Num-

ber of English Prisoners, of Officers & Others, Who have given certain Intelligence that Two Privateers (a Brigantine & a small Ship) were already sailed from thence to come upon these Coasts: And that another Brigantine Privateer was ready to sail from thence upon the same Design: And that his Excel^{cy} had ordered their two Guard Vessels belonging to the Province out imediately in Quest of them; And I am further to acquaint your Honour, That our General Assembly is now sitting, and have this Morning pass'd a Vote to Continue the Cruise of our Colony Sloop 'till the last Day of next Month and I am now going to dispatch a Boat after said Sloop (which sailed from Hence but Yesterday) to inform Cap^{t} Fones of the Resolution of the General Assembly, and to give Him further Directions how to act on this special Occasion, and I am also desired in said Vote to request, That your Honour will give Cap^{t} Prentice the necessary Orders in this Affair, and order Him to cruise with our Sloop during the Time before mentioned.

I have inclosed to your Honour a Copy of the Evidences of John Richards, John Nealson & Peter Desoncourt that gave their Affidavits to the Facts in the above Relation for Fear there should not be One inclosed in your Pacquet, and his Excel^{cy} Governour Shirley desired Me to acquaint Your Honour, That He requested Your sending the Packets for his Excel^{cy} Governour Clinton & Cap^{t} Peter Warren imediately by Express as soon they come to your Hands. I am with due Respects

Your Honour's
most obedient humble Serv^{t}

W GREENE

NEWPORT RHODE ISLAND 21st September 1744.

[Indorsed] Gov^{r} Greens Letter and Copies Sep^{t} 23 1744

JONATHAN LAW TO WILLIAM GREENE.

MILFORD Septbr 23 1744

Sr

I just now recd yours of ye 21st Instant shall forthwith forward ye Acct to N York with all possible Expedition, shall take Care as you desire with respect to our Sloop, wch I understand by ye Bearer is out on a Cruise (as I hope with yours) and will be acquainted by ye Intelligence you have sent out after yours

I remain
Your Hon^rs
humble Servant
JONTH LAW

To Govr GREEN

JONATHAN LAW TO GEORGE CLINTON.

MILFORD Sept 23 1744

Sr

I have just now recd this Paquett from Boston by the way of Rhodeisland and hasten it with all Expedition to your Excellency

I have made the best Enquiries I could and have ordered the Justices in that Quarter of ye Govermt to enquire after the men you describ'd to me, as concernd in that wickedness about Bills of Creditt and to give me an Acct but as yet learn nothing

I Subscribe
Your Excellencies
most faithfull and
obedient Servant
JONTH LAW

To GEORGE CLINTON Esqr

GEORGE CLINTON TO JONATHAN LAW

NEW YORK 25th Sepr 1744

Sir

This acknowledges the Receipt of your favour last night, with a packet from Governour Shirley, the Express coming late to me at night, I detained him 'til morning. Mr Shirleys letter was to ye same purport of ye affidavit you sent me.

Our Assembly is broke up, and notwithstanding the expectations I had of their making provision for the appointment of Comrs to treat with the neighbouring Governments touching the Conduct of the War, they have neglected to do any thing therein, which I am sorry for.

I am Sir

Your most Obedient

Humble Servant

G CLINTON

Honble JONATHAN LAW Esqr

[Indorsed] Govr Clintons Letter 7br 25 1744

JONATHAN LAW TO JEREMIAH MILLER

MILFORD Sept 26 1744

Sr

I am informd by Govr Shirley that by Prisoners broght from Louisbough he has an acct that two Privateers a brig and a Slopp were said (?) to Cruise on the Cours of New England & new yourk and a third another Briag was to follow them and that he

had sent two gard Vessells in quest of them who has also sent to Gov^r Clinton and C^t Warren Gov^r Green has sent a boat after y^r Sloop (w^ch happen^d to Sail y^e Day before this act came) to advise and Direct and the Missenger informd me that w^n y^e Slop Came in there C^t Prentice putt in Something Estward for wood and was to met theirs neer Block Island Gov^r Green informs me that y^r Assembly being setting ordered the Cruse to Continue till y^e Last of Oc^t and desires ours may also be continued and to that end I inclose a Line to Cap^t Prentice w^ch you will give him when there shall be Opportunity for it

My regards to his Hon^r & the rest of the Gentlemen & to Maddam and accept the same

from your humble Servant

JON^TH LAW

To M^r Jer Miller

[Indorsed] Coppy of a Letter to Esq^r Miller & Order to Cap^t Prentice 7^br 26 1744

JONATHAN LAW TO JOHN PRENTIS

To Cap^t Jn^o Prentice Cap^t of y^e Colony Sloop Defence

Whearas I have here to fore ordreed you to Cruiss from Martha's Vineyard to y^e westard of Long Island in consort with the Rhode Island y^e first of october I do now direct and order you to Continue it till the end of the same month unless you shall receive other orders

Milford September 26 1744

JONATHAN LAW

Gov^r & Commander in Chief

JOHN WINTHROP'S PETITION TO THE GENERAL ASSEMBLY.*

To the Honb^e Gen^ll Assembly of his Majesties English Colony of Connecticut in New England in America to be held in New haven in and for S^d Colony on the 2^d Thursday of October Instant the Petition of John Winthrop Esq^r of New London in the County of New London in S^d Colony, Now Residing In London in Great Britain Humbly Shewethe That John Richards Esq^r of S^d New London and Margarett Douglass and Will^m Douglass of S^d New London Executors to the last Will and Testament of Richard Douglass Late of S^d New London Deceas^d brought their Petition to the Genr^l Assembly held in Newhaven In October 1740 Setting forth that Maj^r Gen^all Wait Winthrop Esq^r Executor of the Last Will and Testament of Fitz John Winthrop Esq^r became bound unto Robert Lattimer, James Rogers and Joshua Hempstead all of S^d New London a Committee for s^d Town for that purpose in a bond of Six hundred pounds Lawfull money of New England Conditioned for the payment of Seven hundred & Fifty Ounces Troy of Silver Money together w^th fourty five Ounces Troy of the Like Silver money for the Interest at or before the 13 day of July Next Ensuing the Date of Said Bond, which Date was on the thirteenth Day of July 1709 and that the S^d Wait Winthrop Esq paid and discharged the Interest Annually due on S^d Bond untill his death Which Was in the year Anno Dom^i 1717 When he died Intestate the Administration of Whose Estate was Committed to his Son John Winthrop of S^d New London Esq^r —

*Other documents relating to this controversy are to be found in the *Connecticut Archives, Miscellaneous I;* but as those within the period covered by the Law Papers do no more than duplicate what is found in this petition they are not included in this printed volume.

That afterwards vizt at a Superior Court held in New London on the 22d March 1725/6 the Sd John Winthrops Letters of Administration were Set aside and Vacated and Letters of Administration of the Sd Estate of the Said Wait Winthrop Esqr was then Granted to Thomas Leechmer of Boston Esqr in the Stead and place of the Sd John Winthrop Esqr —

That At a Generall Assembly held at Hartford the 12th of May 1726 Upon a representation to Sd assembly Made by the Sd Leechmer Administration As aforesd, that the Debts due from Sd Estate were not Discharged and that there was not moveable Estate to Answer the Same, therefore praying for liberty To Sell So much of the Lands of Sd Decd Wait Winthrop Esqr as would be Sufficient to discharge Said Debts, the Sd General Assembly Granted the Sd Leechmer power and Authority to Sell So much thereof as to Answer the Debts aforesd, which Grant of the Sd Assembly was agreeable to the Law of this Colony and the Practice and Usage thereof for many years before that time —

That Pursuant to the Sd Grant of the Sd Assembly the Sd Thomas Leechmere Esqr Sold to one of your Petitioners vizt Jno Richards [ ] To Richard Douglass by his Deed Dated Octo 27th 1726 a certain piece of Land in the Sd Town of New London being by Estemation 307 Acres in Order to discharge the Sd Debts, due to the Town of New London And Answer the charges Arisen in his Administration aforesd and in Order to pay for the Said Land the Sd John Richards And Richard Douglass agreed with the Sd Town of New London and bought of them the Sd Bond Given by the Sd Wait Winthrop Esqr And for the Same gave their bond to the Sd Town of New London for the Sum of Six hundred pounds

Currant Money of this Colony of Connecticut which then Was the Value of the S^{d} Seven Hundred and fifty ounces of Silver which at that time passed in the Country at Sixteen Shillings ℔ ounce (the Interest on S^{d} bond after the Deceas of the S^{d} Wait Winthrop Esq^{r} being paid by the S^{d} John Winthrop Esq^{r} and. by S^{d} Tho^{s} Leechmer Esq^{r} Admin^{tr} as afores^{d} to that time) And the Same Bond thus purchased the S^{d} John Richards and Rich^{d} Douglass, Gave to the S^{d} Leechmere togather with ninety pounds then Currant Money of S^{d} Colony, in payment for the S^{d} Lands, which bond the S^{d} Leechmere defaced by Obliterating and blotting out the hand Writing of the S^{d} Wait Winthrop Esq^{r} and breaking of the Seal by which the Same was Signed and Sealed as afores^{d}

That at a Court held at S^{t} James's on the 15th day of February 1727 his present Majestie upon the Petition and Complaint of the S^{d} John Winthrop Esq^{r} was pleased to Revoake the Judgment of the Said Superior Court Setting Aside the S^{d} John Winthrops Letters of Administration, And to Revoake and Set Aside the Letters of Administration Granted to S^{d} Tho^{s} Leechmere Esq^{r} And the Act of Assembly Granting him power to Sell the Lands Afores^{d}, and all the Doings Consequent and Depending thereon, and Declared and Decreed that the S^{d} John Winthrops Letters of Administration Should be and Continue in force and that he Should be Administrator as at first, and further Ordred & Commanded that the said John Winthrop Esq^{r}, should be put into the Seizen and Possesion of all such lands as had been Sold by the Said Leechmere as afores^{d}

That in Pursuance of, And Obedience to the S^{d} Order & decree the Gen^{l} Assembly of this Colony of Connecticut at their Sessions in Oct^{o} 1729 Granted

that a writt Should be Isued forth for that purpose, & accordingly Seizen and Possesion by Virtue of a Writt of Habere facias Possessionem, was Given to the Said John Winthrop Esq^r^ of the Said 307 Acres of land Sold As Afores^d^ ——

That afterwards your Petitioners the S^d^ John Richards and the S^d^ Richard Douglass Obtained of the S^d^ Thomas Leechmere Esq^r^ a Redelivery to them of the Said bond thus Defaced broken and Obliterated in the Manner and for the Cause Afores^d^ ——

That Some time since the Said Richard Douglass Died Leaving the Said Margrett And the Said William Douglass his Executors of his Last Will who together with the S^d^ John Richards Your Other Petition^r^ have Endeavoured to Obtaine the Money on said Bond, given by the said Wait Winthrop Esq^r^ w^ch^ Money in Equity and Good Conscience is due to, and belongs to your Petitioners, the Said Town of New London Having been Answered for the Same as Afores^d^ And have Since declared that they are paid to their Sattisfaction And that the whole which is due on S^d^ bond Ought to be by your Petitioners Rec^d^ therefor ——

But now so it is may it Please your Hon^rs^ that the Said John Winthrop Esq^r^ Altho in his Afores^d^ Petition and Complaint to his Majestie in Council Acknowledged & Confessed the Said Bond Given the Town of New London and Declared that he had duely discharged all the Interest thereon, Yet being minded your Petitioners in that behalfe to wrong, and defraud Refuseth And utterly denyeth to pay and discharge the Said bond, or the money Justly due thereon, taking the Advantage of those transactions afores^d^, Against which he Complained and from which he hath been Releived &^c^ ——

Which Petition was Continued to the Sessions of S^d^ Assembly in May 1741, when it was carryed on to a hearing, and After s^d^ hearing the Same was Continued to the Sessions of s^d^ Assembly in October 1741, when the S^d^ Assembly without any further hear^g^ upon the merritts of the Cause, thereupon Decreed that the S^d^ Petitioners Should recover against the S^d^ John Winthrop Esq^r^ the Sum of £562 10 Lawfull money of New England for the Principal Debt with the Lawfull Interest thereof mentioned in S^d^ Petition and Condemned the S^d^ John Winthrop in Cost the Sum of £13 13 4 upon which decree Sundry Executions have been taken out And put into the hands of George Richards Esq^r^ of New London Sheriff of New London County Brother to the S^d^ John Richards who took upon him to Construe S^d^ Decree and thereby demand the Numerical Contents thereof in Lawfull money of this Colony as it was Stated and fixed the May Sessions Next after S^d^ Decree was Given which Decree, your Honours Petitioner verily believes would not have Passed had all the matters relating to that Affair been thoroughly represented which were not by reason the principall Attorny who had been knowing to the Case from the beginning was Unexpectedly Absent, Wherefore your Petitioner beggs leave further to represent the Case as it truely is and Observe thereon as follows (vizt) that at the same time wherein the S^d^ John Winthrop Esq^rs^ Letters of Administration were called in And Administration granted to M^r^ Leechmer, the S^d^ John Winthrop Esq^r^ Manifested his Dislike then, and Publikely desired an Appeal to the King in Councill, And did in like manner when the S^d^ General Assembly Granted Liberty to S^d^ Leechm^r^ to Sell Lands to pay of S^d^ Bond; and was Actualy gone home to England to prosecute

a Complaint to his Majestie against the proceedings of the S^{d} Superiour Court and General Assembly for the taking away his S^{d} Power of Adminstration, and Giving power to M^{r} Leechmere as Afores^{d}; when S^{d} Richards and Douglass made their agreement and Bargain about s^{d} land and bond, & this the S^{d} Richards And Douglass knew at the time of their s^{d} Contract, as also did M^{r} Leechmere, And Accordingly S^{d} land was putt off at Less than half the Value thereof, the Same lying wthin a mile and three quarters of the Town Platt of New London, butting on the Salt Water, and was then Worth £4 10/℔ acre and was sold for abo^{t} 40/p^{r} Acre and that because it was then doubtfull how the Affair would be determined in England upon M^{r} Winthrops Complaint; and had M^{r} Winthrop faild in his Suit before the King in Councill the S^{d} Richards and Douglass would have gained much in their Contract wth M^{r} Leechmere And the Town of New London more than men commonly do in their Honest bargains that depend on no uncommon future Contingencies —— Therefore Since M^{r} Winthrop Obtained in his S^{d} Suit, and got the Authority of S^{d} Leechmere revoaked, and the Land restored to him it is right in Equity that the S^{d} Richards and Douglass or their Representatives Should bear the loss —— And your Hon^{rs} Petitioner beggs leave further to Observe, that According to the Petition above refer'd too, y^{e} Defaced bond by the S^{d} Jn^{o} Richards and Richard Douglass purchased, and Given up to M^{r} Leechmere, and According to which the then Petitioners prayed for a Decree, is Six hundred pounds Lawfull money, Conditioned for Seven hundred and fifty ounces of Silver Money in Leiu of Which in S^{d} Petition it is Said that the S^{d} Richards and Douglass Gave their Bond to the town of New London for Six hundred pounds paper Currency only

which bond to The Town your Petitioner Says has never been paid, neither in whole nor in part and has Suffered the Same fate by Sinking in Value as all other bonds in this Colony have. And the S^{d} Richards and y^{e} Executors of the S^{d} Richard Douglass are Obliged thereby to pay no more besides the Interest at £6 ℔ Cent ℔ Annum than Six hundred pounds Old Currency As by the Records of a Judgment, given at the County Court at New London in June last, on an Action bro^{t} by Joshua Hemstead &^{c} against s^{d} Douglass's Execut^{rs} (s^{d} Richards, & Douglass's bonds being given in seperatly, to s^{d} Hemstead &^{c} for Three Hundred Pounds each) it appears in full & solemn debate in Chancery thereof, Three hundred & thirteen Pounds, five Shillings, old Currency only, being given for Debt & Interest ——

So that they would Oblige M^{r} Winthrop to pay more to them than they are Obliged to pay to the S^{d} Town which Instead of Equity would be Iniquity, and Would Contradict that Inviolable Maxim that he that would have Equity must first do Equity, and Further your Petitioner would observe that the S^{d} Superiour Court and Gener^{ll} Assembly in Reversing M^{r} Winthrops Power of Administration and Granting the Same to M^{r} Leechmer, as also the Power to Sell Land, did what was Supposed then to be Law, Amongst us, and wheither it would be taken for Law at home or no, was what in that Particular Instance, y^{e} Said Richards & Douglass ought to have taken notice of at their Peril, and this Colony in their Assembly are no ways Obliged to Engage any farther in the Affair, then to do Equity between the parties as they are concerned, and that by the rules that Obtaine in Courts of Equity, and if so your Petitioner is Perswaded that the S^{d} Richards and the Executors

of S^{d} Richard Douglass Deceas'd will have no Decree that will finaly turn out In their favour, for the bond is Cancelled, and in it Self can be no Evidence of a Duty but on the Contrary is an Evidence of a Discharge of a Duty, both in law and Equity, & that of So high a Nature that no Evidence can obtaine against it and to make that an Evidence of a Duty Subsisting between two parties, and Decree thereupon, when it is a Compleat Evidence to the Contrary can never be consistent wth a Court of Equity — And that the Acts of Assembly, & the knowledge of Assembly and all that the Assembly has done to Impower M^{r} Leechmere would make no privity between M^{r} Winthrop and the S^{d} Richards and Douglass, nor could the S^{d} Leechmers Transactions upon his Supposed power, Create any, by the Revokation of S^{d} power, and therefore where there is no privity in Law nor fact, no Authority can Create a duty by a Decree. And if a man will pay of anothers Bond Given to a third Person upon the prospect of Great Gaine to be made out of the Obligors Estate, upon a Certain Undertaking of a fourth person, if the fourth person fails, in the Undertaking, and the Gaine be Missed of, the Obligor is not Obliged by Law nor Equity to pay him; that pays his Bond; for it was paid upon a Consideration of the prospect of gaine, out off the Obligors Estate. And as to the Ninety pounds paid M^{r} Leechmere for his trouble in Administringe Cannot in Equity be a charge Upon M^{r} Winthrops Estate, it being no profitt thereunto; nor Was he by M^{r} Winthrop Imployed therein, but on the Contrary was prohibited from acting therein, as far as M^{r} Winthrops power Avail'd, And all was done when M^{r} Winthrop was prosecuting his Complaint, Wherefore Your Hon^{rs} Petitioner begg leave Once more to Observe that the S^{d} Canselled bond

was given att the request of the Town of New London, who always Accepted of Eighteen pounds ℔ C^{t} ℔ annum paper Currency for the Interest, and your petitioner verily believes would have done it to this time had the bond remained and would have taken up with three hundred pounds paper Currency for the principall at the time the S^{d} Richards and Douglass made their S^{d} Contract, The Town being Conscious there was no reason why that Money Should not fare as all other our Currency did, and the Said Richards and Douglass, being regardless, how much they Gave their bond for, Since the larger they were, the more land they were to receive at half price — Wherefore they Voluntarily gave their bonds for Six Hundred pounds, which your Hon^{rs} Petitioner is Humbly of Opinion ought to be no rule in Chancery, Notwithstand^{g} your Hon^{rs} Petitioner is Willing to pay the Numerical Sum of the S^{d} Judgment in Bills of Credit of this Colony, which was Established by Law to answer all Obligations, in which no Specialty was mentioned as was the Case of that bond, rather than be put to further Trouble in Such a perplexing affair, Althô he verily believes S^{d} Richards and Douglass Ought not to have one penny, Saving the regard he pays to the Decree of this Honourable Assembly, which he believes to be Obtained by surprise Wherefore your Hon^{rs} Petitioner prays this Honb^{le} Assembly to reverse and Set aside S^{d} decree of Said Assembly, made in October 1741 — and release M^{r} Winthrop from any obligations thereby, or decree & order that Five hundred Sixty Two Pounds ten Shillings Debt, and £13 13 4 Cost (as in s^{d} Decree) of Bills of Credit, of this Colony (of y^{e} old Tenor) be Accepted off in full of s^{d} decree

and Your Honours Petitioner as in Duty bound shall ever Pray &c

ANN WINTHROP Attorny to John Winthrop Esq[r]*

JONATHAN LAW TO ELIAKIM PALMER

MILFORD Nov[br] 1744

S[r]

I rec[d] yours of y[e] 30[th] of March last and observe the Contents, and hope ere this time you may have rec[d] y[r] Ballance of our Acc[ts] in y[e] hands of M[r] Wilks's Ex[rs]

By w[t] you write concerning Clarks Affairs I am ready to conjecture That his Petition is granted, of which I never have had any Information, but if it be so, doubt not of your Care to make the strongest Stand against it. w[n] y[e] Parties are cited I presume I shall hear of it

I now give order to send your Salleries for y[e] two years last past which amount to 500[ll] old Currency to the Gentlemen you direct me

I have not as yet rec[d] any thing from D[r] Avery

Methodists is a name w[ch] (I think) is now disclaimd among us being found to be used in Scripture only in an ill Sense and the Term New light supplies its place

The ministers of that way of thinking being over

* The Assembly affirmed this petition and resolved "that the said decree of the General Assembly in October, 1741, may be answered and satisfyed by the payment of the sum of five hundred sixty-two pounds ten shillings in bills of credit on this Colony, and the sum of thirteen pounds thirteen shillings and four pence in like bills for cost." By the act of May, 1742, the value of silver was established at six shillings and eight pence per ounce troy weight; a substantial reduction from the value of sixteen shillings per ounce current at the time of signing the bond whose payment was under consideration. *Colonial Records, VIII, IX.*

runn w^th^ the Exhorters they had sett up, use their uttmost Endeavours to putt them down again and are therefore better reconcild to that part of our law. The Moravians that come among us are found to be Nonjurors and have refusd the Oathes. M^r^ Whitfield is returnd again into y^e^ Countrey whether he will revive the Commotions which he before raisd among us time will show. I hear the Ministers att Boston have agreed not to admitt him into y^r^ Pulpitts on y^e^ Sabbath. I would hope he will not pursue the end he proposd when here before (i e) to oust the most of y^e^ Ministers in the Countrey and fill their Pulpitts with Scotch and Irish, of w^ch^ I am credibly informd he told M^r^ Edwards of North Hampton

I herewith send you a Copy of y^e^ Com^rs^ proceedings in Masons Case and M^r^ Smiths Pleas before them

It would seem strange if after an Enquiry on the Spott by two Setts of Com^rs^ of (I suppose) his own Nomination and after a fair and full hearing and a Determination in our favour, that on his Appeal, Dudlys Judgement in w^ch^ we made no Defence should be affirmd. I think no man in his Witts can believe that Mason would so undoe himself and his Posterity in favour of a few Indians, but that he hoped to find his own Acc^t^ in it at the last, what friends he hopes to find at home I know not. but if y^r^ should be a Majority like M^r^ Horsemenden one of y^e^ Com^rs^ we should have Reason to fear y^e^ Consequence, but firmly believe that cant be. The Case, the law and the Evidence are so sett forth that all will be plain to your Sollicitors when they take y^e^ pains to look into them and I need not to add any thing only that you dont starve y^e^ Cause and we will be responsible for what

you draw upon us. An Appeal (I suppose) brings the Case as it originally lay, w^ch^ if it does it seems to me there will be a fair Opportunity to take the Exception against my Lord Northeys Opinion, on w^ch^ the process was founded Viz That because there were no words in the Recital of the powers granted in our Charter exclusive of her Maj^ties^ erecting a Court here, her Maj^ty^ might lawfully do it, when y^e^ very next words in the Charter are exclusive and never putt in to the Recital. of w^ch^ M^r^ Sharpe gave me his Opinion that y^e^ plea I observd upon it was good. althô in this Case the Justice and Honesty of our Cause will appear very plain yet a Precedent of this nature may be very hurtfull to our Priviledges It seems to me That if y^e^ Clause in our Charter next following what was recited, had not been exclusive it would have been putt into it, and if it had, my Lords Opinion would have been the Reverse of what was given. Whether Room be left for an Argument of this Nature your Council will consider, but for my own part I should be very sorry if we have lost the Advantage of it and exposd our selves to an Enquiry into all that we do by Com^rs^ that may be appointed, on the Insinuations of every disaffected Party

Among the Exhibits I have not sent you our Charter because you have it in our law book. neither have I one of M^r^ Masons Histories of the Pequott Warrs but shall direct that one may be procured

It is reported That on M^r^ Masons Information by M^r^ H——n * that he has learnd from Home That Mason may be sure of his Case on his prosecuting his Appeal he is gone off in hast

To M^r^ Eliakim Palmer

* Horsmanden.

JONATHAN LAW TO SAMUEL WELLES

MILFORD Nov^{br} 13 1744

S^{r}

Reposing special Confidence in your Care Prudence and Goodness I herewith transmitt to you a Copy of the Com^{rs} Proceedings in Masons Case and Letters to our Agent in great Britain M^{r} Eliakim Palmer, desiring you to take the first and safest Opportunity for it and to send the Duplicates of the Letters as early as you can

so I remain

Your faithfull ffriend

and obliged humble Servant

JONTH LAW

To M^{r} SAM^{L} WELLS

[Indorsed] Copy of Letter to Agent Nov^{r} 13 1744

ROGER WOLCOTT TO JONATHAN LAW

HARTFORD Nov^{r} 16 1744

May it pleas your Hon^{r}

It is upon a line I Rec^{d} this Day from M^{r} Stanly that he had rec^{d} a pacquett from your Hon^{r} That I am Now att Hartford According to his desire to Assist in the business you orderd to be Done We have according to your Desire Made the proclamation and shall pursue the other afairs as orderd by you. your Hon^{rs} omitting to Give us the Christian Names of the Agents Attorneys has put us to a Great puzle lest the salerie should be Deliverd to the wrong person and so the Coleny made Lyable to run the Risque of the money but we designe to do the best we Can:

M^{r} Hosmanden is a Gentleman of a Great deall of Asurance but I hope in this matter he has Reckend

without his Landlady Doct^r Colman and Doct^r Colden have wrote to me they have writt him in this afair and as the Case is put on our parts I am not frighted out of my hope, by M^r Hosmandens Confident way of Declareing he must Look upon it as a Case still depending and therefore must wait for the finall Result

We had the advantage of the Advice of the Jus_tices of the County Court and think We may omitt making another book till we hear from the Agent that this has Miscarryed I am your Hon^rs

Very Humble Servant

ROGER WOLCOTT

To the Hon^able JON^TH LAW Esq^r

[Superscribed] To The Honourable Jonathan Law Esq In Milford

[Indorsed] Dep Gov^rs Letter Nov^br 1744

PHILIP LIVINGSTON TO ROGER WOLCOTT

MANOR LIVINGSTON 18 Nov. 1744

Sir

Your most acceptable favours of the 10^th octob^r I Rec^d I Return you thanks for the trouble you have been pleased to take with your Sec^ry to Send me M^r Henimans Survey of the line between the two Colonies. I hope he may find the originall to Send me a Copy, I Shall trouble him with a line on that Subject.

I am Ready & willing to Sign any power or Intrum^t which I desire may be Sent me to Enable your Rector to obtain & Receive from y^e Massachusetts Collony what is due from them for my attendance at their Request in 1737. Coll^o Wendell Coll^o Benj (?)

& M^r Hudsinson promist me their good offices in this affair but I heard nothing from them on that Subject Since they left Albany. I would, if possible it can be obtaind, have this money Logd where I intended it. Gov^r Sherley I suspect will not be more active then y^e above Gentlemen tho' they may be prevaild on to mention it in the Gen^ll Assembly in order to have it paid to the Rector of your Colledge to whom please to make my Respects acceptable.

The Canada Indians have not Sent their Chiefs to Conclude a peace as was proposed. tho' they have as I hear Rejected the Gov^r of Canadas motion to go to war ag^st us. however we ought not to Rely on that. but it behoves us to guard our fronteers by outskouts or Rangers to Cover & Secure our out Setlements which is much less Expence & Safer than building Forts and keeping Garrisons in them as I hear you had in y^e western Towns, which can be of no use So far Southw^d. I hope we may live in peace yet we ought to be on y^e Defensive but I fear that will be neglected as well as to act offensive. I am with Respect Sir

Your most humble Serv^t

PH. LIVINGSTON

To the hon^le ROGER WOLCOT Esq^r

[Superscribed] For The Hono^le ROGER WOLCOT Esq^r D Gov^r of Connecticut

[Indorsed] Phil Levingson Nov^r 18 1744

WILLIAM SHIRLEY TO JONATHAN LAW

Sir,

Divers Soldiers belonging to General Philips's Regiment, who were taken from Canso, & returned hither from Louisbourg in the French Flag of Truce,

have deserted from Castle William, where they were quartered 'till his Majesty's Pleasure should be known about them: And the Officers of the said Soldiers have advertised their Desertion in the Print herewith inclosed, & offered a Reward to such Persons as shall apprehend and secure them; And it being probable that they may be got into your Governm^{t} & entred on board some Privateer or other Vessel outward bound, I must pray your Honour to give Orders to your Officers to search for them, & if they or any of them may be found to apprehend & secure them. You will excuse me if I urge this Matter with some Earnestness, it being of great Importance for the Preservation of his Majesty's Interest at Annapolis Royal that all these Soldiers returned from Louisbourg should be kept from Desertion, & ready to execute his Majesty's Orders, which I expect to receive early in the Spring.

I am, Your Honours most obedient
humble Servant

W SHIRLEY.

BOSTON Nov^{r} 19. 1744.

The Honourable JONATHAN LAW Esq^{r}

[Indorsed] Gov^{r} Shirly's Letter Nov^{br} 1744

GEORGE CLINTON TO JONATHAN LAW

NEW YORK 23 Dec^{r} 1744

Sir

Having receiv'd a letter of 17th Nov^{r} last from the Commanding Officer of His Majesty's Garrison at Oswego, upon the Frontier of this Province. I think it requisite to acquaint You with such part thereof, as may effect your Government, which I have enclosed.

Our Ships are arrived, by which I hear our Confederate Army are in a bad way, and that the Dutch decline being concerned in the War.

I am Sir

Your most Hble Servt

G CLINTON

The Honble JONATHN LAW Esqr

[Indorsed] Govr Clintons Letter 1744–5

FRANCIS WILKS' ACCOUNT WITH COLONY OF CONNECTICUT

The Colony of Connecticutt In New England wth the Est. of Francis Wilks Esq Deced

Dr

1741			
July 2	To Cash paid John Sharpe Esqr Solicitor his bill of Law charges on the Colonys Account	43	12
August 14	To Cash paid for S 500 S S Stock bot for the Colonys Acct by order of Governr Talcott @100 3/4 ℔ Cent	504	7 6
Janry 27	To Cash paid by order of Govr Jona Law to Saml Clark in part of S 100 ordered to be paid said Clark	20	
March 13	To Cash paid more to Samuell Clark		
1742	as above	30	
April 8	To Ditto to Ditto in full of the £100	50	
24	To Cash paid Govr Jona Law his draft on Francis Wilks Esqr in favour of Daniel Lothrop	100	

June 26	To Cash paid Ditto as above in favour of Thomas Hill	285		
Janry 22	To Ditto in favour of Samuell Talcott	115		
	To Coach hire and petty Expences of Clerks Doorkeeps &c	10		
	To Commiss° on buying the above S S Stock @ 1/2 ℔ Cent		2 10	5
	To Brokers buying & Selling the said S 500 Stock @1/8 ℔ Ct		1 5	
	To Commission receivd S 1219 13 @ 1/2 ℔ Cent		6 2	
	To Postage of Letters package &c		1 3	5
		1169		4
	To Balance due to the Colony of Connecticutt	69		
		£1238		4

Cr

1740 Novr 27	By Balance of last Acct Sent under this date		18 7	4
1741 Augt 12	By Cash for Govr Talcotts remittance in 4 Bills on Henry Pelham Esqr	667	3	
Febry 7	By Cash for 6 Months Dividend on the S 500 S Sea Stock ℔ Contra due at X'mass last 1 3/4 ℔ Cent		8 15	
1742 June 24	By Cash for the S 500 S Sea Stock ℔ Contra sold this day @ 108 3/4 ℔ Cent with the 6 Mo Interest due thereon	543	15	
		£1238		4

London 31st Decemr 1744
Mary Marriot Extx

[Indorsed] Colony Connecticuts Accotts wth ye Extr of Fras Wilks Esqr

JONATHAN LAW TO GEORGE CLINTON

MILFORD Jan^{r} 2^{d} 1744/5

S^{r}

I acknowledge the favour of yours of the 23^{d} of last month The bad State of y^{e} confederate Army and the Stupidity of the Dutch are melancholly Themes to think upon. the defensive posture of great Britain and the Defenceless State of Philadelphia and Negligence of some other Provinces and the many Emissaries, Moravians and others straggling thrô y^{e} Countrey look ominous, but what is in y^{e} womb of Providence to us is uncertain. we must Watch & Pray

I have lâtely receivd an Acc^{t} from one of our Justices near y^{e} Western Borders of this Gov^{t} that he has cõmitted one Andrew Nelson to Goal for putting off a Counterfeit 20^{s} Bill of Rhoad Island equal to 4^{ll} wth w^{m} he found 72^{ll} of y^{e} same sort. and the place where this Wickedness is supposed to be carryd on is the Oblong and it is probable that great Quantities of it are handed about by a confederated Gang of w^{ch} I thôt fitt to advise you and Subscribe

Your very humble
and most obliged Servant
JONTH LAW

To his Excellency G^{r} CLINTON

[Indorsed] Copy of a Letter to Gov^{r} Clinton Jan^{r} 12 1744/5

DUKE OF NEWCASTLE TO JONATHAN LAW

WHITE HALL Jan^{r} 3^{d} 1744/5

Sir

His Majesty having thought It necessary for the Security of the Collonys, In North America, & particularly of the Province of Nova Scotia, (which has been already invaded by the French, & upon which

there is great Reason to apprehend, that they will early in the Spring, renew their Attempts by the attack of Annapolis Royal,) to employ such a Strength of Ships of Warr, in those Seas, under the Command of Comodore Warren, as may be suffitient to protect the said Provence, and the other Neighbouring Collonys, in North America, and the Trade and Fishery of His Majs Subjects, in those Parts, and may also as Occasion shall offer, attack, and Distress the Enemy in their Settlements, and annoy their Fishery, & Commerce. I have his Majs Commands to signify to you, his Pleasure that If Mr Warren shall apply to you for assistance, either of Men, Provisions or Shipping, to enable him to proceed either to the Releif, & Succour of Annapolis Royal, or of any other of his Majs Forts or Settlements, or for making any Attempts on the Enemy, You should in all such Cases be aiding, & assisting to him, in the most Effectual Maner and according as upon Consultation together Shall be judged Proper, for carrying on His Majs Service: and you will be ready to concert, and advise with Mr Warren, upon all Occasions that may arise, which shall have Relation to the Services on which He is employd: and particularly you will procure, and Communicate to him, the best Intelligence you shall be able to obtain, of the State, and Condition of the Enemys Settlements, and of the Ships in their Harbours, that He may be enabled to Judge, whether it may be practicable, and advisable to make an Attempt upon any of their Ports.

HOLLES NEW CASTLE

A Copy of His Majestys Orders, signified by the Duke of Newcastle, to the Respective Governours of the Collonys on the Continent of North America.

[Indorsed by Law] Duke of New Castle Janr 3d 1744/5

BENJAMIN COLMAN TO JONATHAN LAW.

[*May it Please your Honour*]

My last Letters from London, from D^r^ Avery & D^r^ Watts, oblige me to do myself ye Honour to write to you, on ye unhappy affair of M^r^ Winthrops Debt to ye late Rev^d^ & learned D^r^ Hunt of London, with whom I sometimes held Correspondence by Letters while he lived, & am ye more bound now to serve ye Sorrowful Widow & her Children wherein I am able.

I am equally bound, it is true, & truly inclined, not to disserve ye worthy & desolate M^rs^ Winthrop & her children, who are in my Eye & Heart more than bereaved; and from my Heart I wish 'em all ye just Regards from your Honour & ye Government that can possibly be rendered 'em.

But how hard is ye Case in this crooked World, when between Persons & Families equally hon^d^ & beloved by us, we cannot be just to One without bearing hard upon ye other.

Having two Copies of ye Case sent me, I forward one of them to your Honour, tho' I am satisfied you have it already from D^r^ Avery.

He writes me, that he hopes your Honour wil take kindly from Him, & from ye Committee of ye Dissenters, what he has wrote you in their Name respecting ye Law about Itinerant Preachers: he indeed trembled (he sayes) for your Charter. I hear there were some lately in Prison near Lebanon, glorying in their Sufferings, & preaching daily to those y^t^ will come to hear 'em, moving their Compassions. I hope God will graciously direct ye Government in this matter, & preserve you both in State & Church, in Civil and Religious Order, Rights & Priveledges.

I beg ye Favour of your Honour to salute from

me the Hon^ble L^t Governour Wolcot, & let him know that ye Pacquet I received from him about (or something more than) a Year agoe got safe to y^e Hand of your worthy Agent M^r Palmer, one of my Friends to whom I directed it being dead before it arrived; & he has wrote me that he that have ye Advantage therefrom to know how to act & answer, in Case any thing be moved by M^r Mason, before he receive his particular Directions or Order from your Government.

Sir, that your Life may be prolonged for ye Service of your Colony in State & Church, & also M^r Wolcots; & having served your Generation by ye Will of God, your Sleep may be sweet in Jesus, is ye Prayer of Him who under ye Infirmities of Age asks your Prayers for him, & is

Your Honours
most Obed^t Humble Serv^t
BENJAMIN COLMAN

BOSTON Jan^ry. 21. 1744/5

D^r Avery writes me that Governour Belcher is bright gay & high in Spirits, & ye greatest Instance of application to Business that he ever knew at his years; & tho' he had indeed discouraged his coming over, ye Expence being certain & gaining any thing most precarious, yet it did not appear now unlikely but some Compensation for his Losses might be made him; but in what shape or Form he was not able to say.* Ye King was pleased to remember Him, when he was admitted to kiss his Hand.

* Jonathan Belcher, a royal appointee, had been removed in 1741 from his office of governor of Massachusetts and New Hampshire because of controversy over his salary. After his removal he went to England, obtained royal favor and was appointed governor of New Jersey in 1747. *Appleton's Cyclopedia of American Biography.*

ACT OF THE GENERAL COURT OF MASSACHUSETTS BAY.*

Province of the Massachusetts Bay }

The Committee of both Houses upon the Subject of his Excellency's Messages of the 19th & 22d Instant make the following Report vizt —

That they have been attended by two Gentlemen who have lately been Prisoners at Louisburg & by others who have been Traders there & who are well acquainted with the Place from whom the Committee have received information that the Garrison there does not consist of more than five or six hundred regular Troops & that there are not above three or four hundred fighting Men of the Inhabitants, that they have but a small Stock of provisions That they have no Vessels of Force in their Harbour, & that the place is at this Time less capable of being defended against an Attack than its probable, it will ever be hereafter.

The Committee therefore are of Opinion that it is incumbent upon this Government to Embrace this favourable Opportunity to Attempt the reduction therof: And they humbly propose that his Excellency the Captain General be desired to give forth his Proclamation to Encourage the enlistment of three Thousand Voluntiers under such proper Officers as he shall appoint, That each person so enlisting be allowed Twenty five Shillings ℔ month & that there be delivered to Each man a Blanket that one month's pay be Advanc'd & that they be entitul'd to all the Plunder.

That Provision be made for the furnishing of necessary Warlike Stores for the Expedition, That four Months Provisions be laid in. That a Committee be

* Inclosed with Gov. Shirley's letter to Law of Jan. 29, 1744/5.

appointed to procure & fit Vessels to serve as Transports to be ready to depart by the beginning of March, & that a suitable Naval Force be provided for their Convoy as this Court shall hereafter Order. That Application be forthwith made to the Governments of New York, the Jerseys, Pensylvania, New Hampshire, Connecticut & Rhode Island to furnish their respective Quotas of Men & Vessels to Accompany or follow the Forces of this Province

In the Name & by Order of the Committee

WM PEPPERELL

In Council Jañ. 25. 1744 Read & sent down

In the House of Represent^ves Jañ. 25. 1744 Read and Accepted. Sent up for Concurrence

T. CUSHING Spk^r

In Council Jañ. 25. 1744 Read & Concur'd

J WILLARD Secry

Consented to

W. SHIRLEY

Copy Examined

J. WILLARD Secry

[Indorsed] Copy of y^e act of the Massachusets concerning y^e Expedition to Cape Briton Jan^r 25: 1744.

WILLIAM SHIRLEY TO JONATHAN LAW.

BOSTON January 29. 1744.

Sir

This goes by Express to Inform your Honour that Petitions having been preferr'd by a Considerable number of the Inhabitants of this province to the General Court here; representing the present weak state of Louisbourg, and the great Importance of the

Reduction of that place to the Obedience of his majesty; and a General Disposition Appearing in the people to Engage in this Service I recommended the Deliberate Consideration of this affair to the General Assembly, who by their Committee examined a great number of Persons, who have been Traders or prisoners in that place, & have known it both in peace and War, some of whom came from thence in the beginning of this Winter; This Examination, which was had before a large Committee of both Houses has been so very Critical and exact as to take up diverse days in the prosecution of it. The Result of which is a Chearfull & almost unanimous Resolution of the Court to undertake this Important Business in such manner, as is particularly expressed in the Report of the Committee accepted by the whole Court which I herewith Inclose; and wherein you will find this Affair is undertaken by us in full Confidence and Expectation that all His majestys Governments in north America, who are Concerned in Duty and Interest as well as we, will readily join with us in so laudable a Design for the Honour of his majesty and the safety of the Trade and navigation of all those Colonies & Provinces; and our Expectation herein will appear the more reasonable if it be considered what Pains & Charge this Government have been at alone for the saving his majestys Interest at Annapolis Royall and in the Province of Nova Scotia; I must therefore earnestly desire that all may be done that is possible to engage your Colony to do their full part in Concert with us for the Carrying on this expedition, and that you either joyn us or soon follow us with a sufficient force both for the Land & Sea service; and as the Success of this Affair depends much upon Dispatch, I doubt not but you will use it. I have pro-

posed to the ministry in Great Britain the undertaking of this Design, and earnestly urged it as of great Importance to the Crown and the Safety of His majestys Subjects in all these parts before I had any Thought of the Thing's being Attempted in this Way; and I shall now Write pressingly by the first Conveyances both to the ministry at home & to the Commanders of the Squadrons in the West Indies to send a Naval Force to meet us & Support us in our Design: I have ordered an Embargo of all Vessells whatsoever, and have Seized all the French men among us & have endeavoured to have them kept under such safe Custody as to prevent them from sending any Intelligence: The same measures will be necessary (as I apprehend) in your Government.

I am, Sir,

Your Honour's most Obedient
Humble servant

W SHIRLEY

To the Honourable Governour LAWS

[Indorsed] Gov^r Shirleys Letter concerning the Expedition to Cape Briton Date Jan^r 29: 1744

WILLIAM SHIRLEY TO JONATHAN LAW.

BOSTON Feb. 4. 1744.

Sir

Since the Departure of the Gentlemen, by whom I sent my Dispatches to You referring to the Expedition which We are forming against Cape Breton, I have Advice from Governour Wentworth that the Assembly of New Hampshire have very chearfully determined to join with us, & have Voted to raise two hundred & fifty Land Forces for this Service, and

that he hopes to persuade them to raise a greater Number. I have likewise Letters from the Gentlemen I sent to Rhode Island, informing me that the people there are much spirited to engage in this Business, & that the Assembly will meet in a day or two to consult on the Affair; And that it looks probable that they will furnish their full Quota of Land Forces for this Service, if not more, as also a private Ship of War of Twenty Guns which now lyes in their Harbour. I thought it of Importance that Your Honour should be informed of these Things; not doubting but you will make a proper use thereof for Exciting an Emulation in your People & for encouraging them to do their part to promote his Majesty's Service and the common Interest of these Provinces, which so much depends upon the Success of this Enterprize. We are going on in Our Preparations & now beginning Our Levies: And I think Our people are full of Spirit, & with Dependance on the Blessing of Providence I hope for a prosperous Event.

I am Sir

Your Honour's Obedient

humble Servant

W SHIRLEY

To the Honourable JONATHAN LAWS Esq[r]

ROGER WOLCOTT TO JONATHAN LAW.*

WINDSOR Feb 5[th] 1744/5

May it please your Hon[r]

Coll[o] Berry and Cap[t] Chote Have Done mee the Hon[r] to Lett me in to the Affair about Which they

* This letter bears a wax seal carrying an impression of the Wolcott arms.

Intend to Waitt upon your Hon^r. I perceive the business Requires the Greatest Dispatch and I think there Can be no scruple that if your Councill Were with you they Would Advise you to Call the Asembly together I therefore Recomend it to your Hon^rs Consideration if it be not best to Call the Asembly Together without suffering so much time to Elaps as Must Needs be if you Assemble your Councill previous to it all Which I submitt to your Hon^r Wisdom and Remain

your Most obliged
Very Humble serv^t
ROGER WOLCOTT

[Superscribed] To the Hon^able JONATH^N LAW Esq^r In Milford

[Indorsed] D. Gov^r. Wolcots Letter Feb. 5^th 1744/5.

JONATHAN LAW TO JOHN PRENTIS.

S^r

By and with the Advice of the Council of Warr assignd me I Doe hereby Order and Direct you forthwith to enlist one hundred able bodyed, effective men including Officers to serve on board the Colony Sloop Defence in the intended Expedition against Cape Britton

Given under my hand at Milford
this 7^th day of March 1744-5
JON^TH LAW Gov^R
AND COM̃ANDER IN CHIEF

To M^r JOHN PRENTICE
Cap^t of the Sloop Defence
Copia

[Indorsed] A Copy of Orders to Cap^t Prents 1745

WILLIAM PEPPERRELL TO ROGER WOLCOTT.

BOSTON. March: 8th: 1744

May it please Yr Honour,

This waits on you ℔ the Comissions of your Governt ℔ whom We had the agreeable news of your acting in the Expedition agt Louisbough in conjunction with us. And it is great Satisfaction to me that I am to receive Assistance from a Gentleman of Your Wisdom & Experience. The affair requires the best dispatch on your part & must intreat you to afford it.

I have had some Conversation with Mr Williams * whom I perceive to be a Gentleman of good Council & accomplishments & should be very desirous to have his Assistance in the Army. And if he may go in a military Capacity in Your Regiment Suitable to his Honours & worth So as that We may have the advantage of his advices I should be well pleased with it & Inasmuch as He is a Person of distinguished Learning & Gifts & has been, to great acceptance, in Sacred orders If he might also Officiate as a Chaplain to that Regiment I know of nothing unsuitable in it.

I am with great respect
Yr Honors
Very Humble Servt
WILLIAM PEPPERRELL.

To the Honourable ROGER WOLCOTT Esqr
Lieutenant Gov. of the Colony of Connecticut.

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*Rev. Elisha Williams had previously been Rector (or President) of Yale College. At a special session of the Assembly in March he was appointed chaplain, and later records indicate that he accepted the appointment and served the expedition in that capacity.

WILLIAM SHIRLEY TO ROGER WOLCOTT.

BOSTON March 8. 1744

Sir

Agreable to the Proposal made to me from the Government of Connecticut by Col° Trumbal & M^r^ Williams,* I have ordered a Commission to be made out to give you the second Command over the Forces raised for the Expedition against Cape Breton; Which Commission is herewith inclosed.† And from my personal Knowledge of you & the general Character you bear of those Qualities which make you at least equal to this Trust, I do with the utmost Chearfulness commit it to you, & wish you all possible Success in the Discharge of it. I doubt not but you will do your utmost to have the Succours, your Governm^t^ sends by you seasonably join our Forces, to prevent any Inconvenience that may happen by a Delay.

I am Sir

Your most obedient

humble Servant

W SHIRLEY

ROGER WOLCOTT Esq^r^

ANDREW BURR TO JONATHAN LAW.

*Much Hon^rd^*

S^r^ I Rec^d^ y^rs^ of y^e^ 8^th^ of Instant March, (with a Coll^l^ Commition for y^e^ Expedition Inclosed) wherein

*At a special session of the Assembly in February Jonathan Trumble and Elisha Williams were appointed as a committee to confer with representatives of the governments of other colonies about matters relating to the proposed expedition.

†At the special session of the Connecticut Assembly held on the fourteenth of this month it was voted that "This Assembly do appoint the Honourable William Pepperell, Esq^r^, to be Lieutenant-General over all the forces in the expedition against Cape Breton and parts adjacent, and order that he be commissioned accordingly.

you desire my acceptance. I should be Glad to defer that matter till y^e^ Setting of y^e^ Assembly. I Expected that M^r^ Dan^l^ Bradley to whom your Hon^r^ sent a first Lieu^ts^ Commition would have accepted and took y^e^ Trouble of Inlisting men for y^e^ Coll^l^ Company but I am Informed that he Refuses y^e^ Commition, should I now Accept of y^e^ Commition & send for y^e^ Money to Hartford there is no officer under me in Commition to Inlist men, & therefore I think under these Circumstances that y^e^ Inlisting men Can't be much forwarded by My now Accepting & sending for y^e^ money—and am with Great Respect y^r^ Hon^r^

Most Obedient
and Hum^le^ Serv^t^
ANDW BURR

FAIRFIELD March 9^th^ 1744/5

To Governour LAW

[Superscribed] To the Hon^ble^ Jonath^n^ Law Esq^r^ Governour att Milford

WILLIAM SHIRLEY TO ROGER WOLCOTT.

BOSTON March 1745

Sir,

Having given you a Commission to command as Major General in the Forces raised within this Province & the neighbouring Provinces & Colonies for the Expedition against the French at Cape Breton, whereof William Pepperrell Esq^r^ is Lieutenant General & Commander in Chief; I do hereby direct you as soon as the Auxiliary Troops from the Colony of Connecticut which are under your particular Command are ready & embark'd on board their respective Transports, with them forthwith to proceed to Cape Breton,

& join the other Forces for the said Expedition, and there you must follow such Orders and Directions for the Annoyance of the Enemy as you shall from time to time receive from the said Lieut^t General Pepperrell. And forasmuch as upon the Death of the said Lieutenant General Pepperrell or his Absence from the said Forces on any extraordinary Emergence or Occurrence the chief Command of all the said Forces will devolve on you; In such Case I hereby direct you to conform yourself to the Body of Instructions I have given to the said Lieut^t General in the several Opperations of the said Expedition, Which Instructions you must in such Case take into your Possession, & govern yourself by them, or by any other Instructions which he may or shall have received, or you shall from time to time receive from me.

And so heartily wishing you a good Voyage & Success in your Enterprize

I am Sir,

Your most assured Friend & Servant

W SHIRLEY

To the hon^ble ROGER WOLCOT Esq^r Major Gen^l of the Forces rais'd for the Exped^n ag^st Cape Breton

WILLIAM GREENE TO JONATHAN LAW.

WARWICK March 11^th A D 1744/5

S^r

our General Assembly being Seting the Week past enacted That our Country sloop well equiped, with ninety able men to be enlisted as Volunteirs should forthwith proceed upon the Expedition against Cape briton and there to be Under the Command, and Directions of the Commodore and the Gen^ll Assembly

at s^d^ Sessions enacted that there Should be forthwith Inlisted as Volunteirs in this Colony at the Governments Expence three Companies of Marreins, or Land fources fifty men to Each Company; And we having been lately Inform^d^ that Your Government have Come into measures to Raise a Considerable Number of Fources for s^d^ Expedition and that his Hon^r^ M^r^ Wollcot will Likely be appointed the Second Commander of the Land fources; which will be very agreeable to our Governm^t^ Knowing him to be a Gentleman of Hon^r^. I am Therefore Directed by our assembly, to Request of your Hon^r^ that our Land Fources may be annexed to yours, when they Come to the place appointed and there be Under the Command of Your Superior officers, for that we have not appointed any officer Above a Cap^t^ And our Government Much Raither Chuses to Join Your fources than Boston

I Do therefore in behalf of this Colony, earnestly Request that Your Hon^r^ will be pleased to faviour us with Joining Your fources as aforesaid, and be pleased to Let me know the first oportunity that I may Give Instructions accordingly

I am S^r^
Your Honours most Humble Servant
W GREENE

P.S. pleas to Direct (if you write) to be Left at John Arnolds in East Greenwich

To y^e^ Hon^ble^ JONA^N^ LAW Esq^r^
[Indorsed] Gov^r^ Greens Letter March 11^th^ 1744–5

JOHN STODDARD TO JONATHAN LAW.

N^TH^ HAMPTON March 13^th^ 1744/5

*S^r^*

I was Informed last week by one of my Neighbours that one Hundred and fifty Recruits were ar-

rived at Crown Point, this account he had from the Commissioners of the Indian affairs at Albany, and they had it from two of their Spies which they had sent to Crown Point to gain Intelligence.

a fortnight ago the Scouts from N° 4 discovered the tracks of 8 or 10 men on the Ice about a Mile from the mouth of Black River, it appeared that the men avoided the snow when they were able, but when they could not they stepped in the first mans tracks (probably) that their number might not appear, but might be thought only the track of one Hunting man, there was one or two Scaatacooks at the great Meadow, who hearing of the tracks that were discovered, they Immediately retired to their Hunting House up Sextons River, and leaving a Squaw there, they went in quest of those that made the tracks, and since that time are privately drawn off with their families, as some other Indians have done.

this morning I had a letter from N^th^field Informing that a Souldier who run away from Albany about ten days since is come to fort Dummer, who tells the story about the arrival of Recruits at Crown Point, with this variation, that the num of the Recruits is 300, and that the Indians are gathering there. These things look as though the french were forming some design against us, if there should be any attempt made upon us I doubt not of the readiness of the Government of Connect^ct^ to give such assistance as shall be needful, but if the Occasion should be Sudden, I shall be to seek who to direct my Letters to, having heard that his Hon^r^, the Deputy Gov^nr^, will be Absent, and have not learn't whither a Committee of War has been Established as formerly. should be glad to be directed, that I might Act rightly upon every Occasion.

It will not only be necessary that due care be taken (upon any Intelligence) to Protect Exposed places, but also if possible to Intercept the Enemy in their approach, or in their retiring.

We have a few Souldiers at fall Town, and Colrain, 18 at Fort Shirley, about five Miles West from there we have Materials for another Block-House which we purpose to Erect within a few days we have likewise agreed to Build another at Hoosuck this Spring. I purpose as soon as the Enlistment for Cape Bretonis over to Detach near Sixty men to Cover the workmen and to maintain Scouts we have alsoe fifty men Posted above the Line of Government between us and Newhams^{hr}.

I am your Hon^{rs} most Humble
Obedient Servant
JOHN STODDARD

His Hon^{r}. Gov^{nr}. Laws.

[Indorsed] Coll^{l} Stoddards Letter March 1744–5

WILLIAM SHIRLEY TO JONATHAN LAW.

Boston March 15. 1744

Sir,

In Answer to the Motion of your Commissioners to me that I would order some of our Vessels of War to meet your Auxiliaries off of for their Safeguard, I must acquaint you that I have thought it of so much Importance to prevent any Supplies or Recruits from being brought into Louisbourg by Sea that I have sent out almost all our Naval Force to block up that Harbour, & shall have only one Snow (Capt^{n} Rowse) to convoy our own troops. Capt^{n} Gayton will go on this Expedition, but it is some-

thing uncertain when his Ship will be ready, & more uncertain when she will be sufficiently manned; and I should think that your Colony Sloop will be a sufficient Convoy for your Troops; But if you judge otherwise I believe there will be no Difficulty in getting the Rhoad Island Colony Sloop to join you, for I understand they design to send her to Cape Breton with a small Number of Land Forces, So that your joining with them may be without going out of the Way; if you can so concert Measures with them: Our Troops & those of New Hampshire will sail by Monday next.

I am Sir,
Your Honour's most Obed^{t}
Humble servant

W SHIRLEY.

The Honourable JONATHAN LAW Esq^{r}

WILLIAM SHIRLEY TO JONATHAN LAW.

BOSTON. March. 18. [1744.]

Sir,

The present exhausted State of this Province both as to Men and Money by the great Armament we have made for the Reduction of Cape Breton which brings an inconceivably greater Expence to this Province even in proportion to Our Number of Inhabitants and their Estates than to any of our Neighbours engaged in it, and the weak & exposed State of our Western Frontiers, which are a Barrier to the Colony of Connecticutt, and the Grounds we have hourly to expect an Enemy to Attack our Settlements on or near Connecticutt River, oblige me in behalf of this Government to desire that your Government

would Assist us in the Defence of that Frontier with a sutable Number of Forces to be raised in your Colony; As this is in itself reasonable & what His Majesty may justly expect, So it is what your Government has been wont to do in former Wars, and what the Disposition you have manifested for the Common Interest and Safety of both Governments gives us Reason to hope for from you at a Juncture, which requires this Assistance more than ever, I must therefore earnestly Urge You to send your Auxiliaries into the County of Hampshire under your own Officers to be posted and employed in this Service as I (or such Officer as I may Appoint) shall Direct.

I am Sir your Honour's very humble Servant

W SHIRLEY

P: S: at the desire of your Gentlemen I shall send you five or six Pilots to Cape Breton by the next Sloop for your Ports

The Hon^ble^ JONATHAN LAW Esq^r^

[Indorsed] Gov^r^ SHIRLEY'S Letter March 18^th^ 1744–5

LETTER TO ROGER WOLCOTT.*

SALEM Mar: 18^th^: 1744

Hon^ed^ Sir

Understanding you are engaged in this laudable Enterprize, I thought it but proper to Assure you of my good Wishes on y^e^ Expedition, a Blessing on his Maj^ys^ Arms in General, the Divine Protection on your Person, & that you may return w^th^ Safety & Honour to your Family.

I Send this by M^r^: Geo: Corwin who is a Branch

* The signature has been cut from this letter.

of my Father's first wife's Family, & to whom I Should be glad (if in y^e^ Course of things) you Could show any Favour, If you should make use of him, I doubt not but you'll Approve both of his Capacity and Fidelity, & I shall esteem any Marks of kindness done him as a Favour done to

S^r^: [ ]

[ ]

To y^e^ Hon^ble^ ROG^R^ WOLCOTT Esq^r^

[Superscribed] To the Hon^ble^ ROGER WOLCOTT Esq^r^ Lieu^t^ Governour of the Colony of Connecticut ℔ M^r^: Corwin

WILLIAM GREENE TO JONATHAN LAW.

WARWICK March 22d: A D 1744/5

*S^r^*

Yours of the 18^th^ Instant; I Just now Rec^d^ and observ^d^ the Contents, and as to Joining with Your Governm^t^ its Very agreeable to ours; as your Hon^r^ will See when You Recieve a Letter from me which I wrote by ord^r^ of our assembly Dated March 11^th^ 1744; but Since your Hon^r^ has not Set any Perticuler time when Your fources will be Ready; I Can not properly Stop our Country Sloop Long after She is fully Manned; for that our Gen^ll^ Assembly has ordered that she shall Sail as soon as may be; as to Land fources; our Government has Lately ordered three Companies to be Raised forthwith; as Volunteirs; but have not ordered any press; and having a great numb^r^ of Men now, a Cruising out of this Colony; there Seems to be but few at present that are Spirited in the affare; its possable that our fources may not be Ready; Sooner than Yours, our Sloop

Yesterday wanted nine men to make up her full Complement; if Your Hon^r Thinks fit to ord^r Your fources to touch at Newport; as they Come along; its possible ours may not be gone; provided it be Speedy; for the Joining our fources with Yours will be so agreeable; to our Governm^t that I hope we Shall not fail of it

I am S^r
Your Hon^rs
most Humble Servant
W. GREENE

[Superscribed] To The Hon^ble JONATHAN LAW Esq^r Governour of the Colony of Conecticut &^c at Milford

WILLIAM SHIRLEY TO JONATHAN LAW.

Sir,

Having sent John Burbeen, the Bearer hereof, to New York upon an Affair of great Importance to the Success of the Expedition, I must pray your Honour that if his Horse should fail, you would give Order that he be furnished with necessary Horses within your Colony. I have appointed a public Fast to be observed thrô out this Province upon Thursday the fourth of April next, If there be time for it it might be well that our Fasts might be on the same Day.

I am (Sir)

Your Honors most obedient
humble Serv^t
W SHIRLEY.

BOSTON March 25. 1744.

To the Hon^ble JON^A LAW Esq^r

[Indorsed] Gov^r Shirleys Letter March 25 1745

ELIAKIM PALMER TO JONATHAN LAW.

Sir

As I have not been favour'd with any Letters from the Colony since the 30th of Novemr: 1743 and as several Ships from your Parts have since that time fallen into the Enemys hands I presume some of your Dispatches may have miscarried, & as I have advice of the arrival of those ships wch carried my last Letters think it unnecessary to send any more Coppys of them

In Obedience to his Majesty's Commands I herewith transmitt to you Coppy of his Majesty's additional Instruction in order to put a stop to the practice of ransoming Prisoners of Warr & ships taken as prize when such Ships may be conveniently brot into some Port in his Majtys Dominions

I am also to inform you that the Persons who undertook the soliciting an Act of Parliamt to Deprive the Colonys in America of the Liberty of Issuing such summs of Paper Currancy as may be necessary for the service of the respective Governmts, & to make the Kings Instructions of Equal force with the Acts themselves have thot fitt to drop the Affair for this session of Parliament & I Doubt not I shall have Instructions from the Colony on that head before the next

I am Sir Your's and the Colony's
Most faithfull humle servt
ELIAKM PALMER

London 25th March 1745
To the Honble Jona Law Esqr

JONATHAN LAW TO WILLIAM SHIRLEY.

MILFORD March 30 1745

S^r^

Yours of the 15^th^ 18^th^ and 25^th^ instant I rec^d^ as also one of the 11^th^ from Gov^r^ Green who informs that their Assembly have Enacted That y^r^ Countrey Sloop with ninety men should proceed on the Expedition under y^e^ Coñand of the Comadore and three Companies of Volunteers of 50 men each and that they may be joynd to our forces when they come to the place and be under the Coñand of our Superior Officers, not having appointed any Officer above a Captain

I have wrote to Gov^r^ Green to have ý^r^ Sloop go in Concert with ours.

As to the Motion you make for Auxiliaries to defend the Western part of your Province I iñediatly sent a Copy of your Letter to the Com^tee^ of Warr att Hartford to whom the Care of our frontiers is committed as also a power to send men into Hampshire County but with this Provisoe That no man be sent thither untill Information be given of the approach of an Enemy from some that are chief in Authority in that County

On y^e^ Request of Coll^l^ Stoddard when I was att Hartford I acquainted him That y^e^ Com^tee^ was Continued and to whom to direct, the Dep Gov^r^ being likly to be absent

It has been reported that your Paquett Boat was returnd with an Acc^t^ That Commadore Warren would meet our forces att Cansoe in y^e^ begining of April, w^ch^ your Messenger confirmd to me, to my great Satisfaction as also that your Transports 60 in number saild on Sunday last but when I observd Your Excellency gave not the least hint of it, It troubled me

to suspect it to be all Invente[ ] I furnished him w^th^ a Horse and expect his Return tomorrow

with Respect to y^e^ ffast I had appointed the 10^th^ day of the month but on the Motion of y^e^ May^r^ Gen^l^ that one day might be observed before his Embarcation and another after the 3^d^ day and the last Wednesday was concluded upon. Wednesday for fasting & Thursday for fasting in favour of the Church has been our practice for some years past. N York Paper gives us an Acc^t^ of y^e^ Comadores design for N. York w^th^ a 60 gunn Shipp. It will be very refreshing to me to be informd of any favourable Aspect on so great an Undertaking

I Subscribe
Your faithfull
and most humble Servant
JON^TH^ LAW

To his Excellency W^M^ SHIRLEY

[Indorsed] Copy of a Lete to Gov^r^ Shirley March 30^th^ 1745

NATHANIEL STANLY * TO JONATHAN LAW

HARTFORD March 30^th^ 1745

*Honr^ble^ S^r^*

I have Just now rec^d^ yours of the 27^th^ Instant, with y^e^ Inclosed viz Gov^r^ Shurleys and Gov^r^ Greens letters I purpos the begining of the weke, to acquaint the Coñitte of Warr, with what Gov^r^ Shurley hath wrote to you^r^ Houn^r^; I suppose the Actt of Assembly doth not Impower the Coñitte of warr, on Such a motion as this, to sende men Into the County of Hampshier, to keep Garrison there, So that I Con-

* See Talcott Papers, I, 309 (*Collections, IV.*)

clude nothing of that nature will be done before y^e^ next assembly The Maj^r^ Generall is gone to New London In order to procede, on his voyage to Cape Britton, I shall acquaint him with Gov^r^ Greens Letter as Soon as possable, our Troops this way are to Set out for New London, the next Thursday by the Generals Order.

I am S^r^ your Honr^s^ most Humble
and obedent Serv^tt^
NATH^LL^ STANLY

WILLIAM SHIRLEY* TO ROGER WOLCOTT.

BOSTON March 30. 1745.

Sir,

Inclos'd are my orders to you to proceed to Cape Breton w^th^ the forces under your particular Command from Connecticutt, in doing w^ch^ if you judge proper to touch at Canso in your way for Intelligence it may not be amiss. I am sorry it is not in my power to procure you the Convoy of Capt^n^ Gayton's Ship for your Transport Vessells, as you desire, that Ship being order'd to go to Antegoa & from thence directly to Jamaica w^th^ Maps for the Jamaica Squadron, w^ch^ is in extreme want of 'em since the late Hurricane there in October last. About fourteen days ago I sent three ships of 20 Gunns each, two Snows of Sixteen Guns each and a Brig of near the same force to cruize before Louisburg Harbour, w^ch^ I am in hopes may intercept any Intelligence, provisions, or recruits, w^ch^ the Enemy may expect to arrive early to 'em: And our Forces sailed under the Convoy of Capt^n^ Rouse's Snow only, w^ch^ I doubt not is sufficient between this

*See Talcott Papers, II, 24 (*Collections, V.*)

place and Cape Breton, as we have so many Vessells before it, and w^ch^ will be join'd by Rous after our Forces are landed on the Island w^th^ the New Hampshire Troops, w^ch^ I expect will be on Monday or Tuesday next if no extraordinary Accident prevents 'em; I hope therefore there is no Danger of your meeting with any thing in your way, w^ch^ your own Colony sloop will not sufficiently protect you ag^t^; However I have wrote to the Governour of Rhode Island in the strongest Terms I can, to engage him to order His Colony's Sloop to join you, as Col Lothrop will inform you; thô I must confess I have no great Dependance upon that Government in this Expedition. I heartily wish you all Imaginable success and am

Sir

Your faithfull Humble servant

W SHIRLEY

I must refer you to Col Lothrop for the behaviour of Lieuten^t^ Col Eveleth, Capt^n^ Byles, Capt^n^ Davis, & Capt^n^ Baker in leaving the Squadron Fleet and putting in to Cape Ann 'till Wensday last and permitting their Men to go on shoar all of 'em except Capt^n^ Baker who did not behave so ill as the rest; Col Eveleth, & Capt^n^ Byles are most to blame pray acquaint the General with it some notice sh^d^ be taken of 'em.

Major Gen^l^ WOOLCOTT.

ROGER WOLCOTT* TO WILLIAM GREENE.

NEW LONDON Aprill 1^st^ 1745

*S^r^*

Your two Letters to Gov^r^ Law of the 11^th^ and 22^d^ of March past meeting with some Gentlemen of

*See Talcott Papers, I, 123 *Collections, IV.*)

our Councill Who knew in What manner the Intended Expedition was lost with [ ] by their ordering Come to my hand, that of the 22d about five days since and the other this day

I accknowledge the Honr your Assembly has done my self and the field officers here in ordering the Companys you raised to go with our troops under our Chief Comanding officers I have nothing to report on this years Proceeding but that you deprived them of Better officers that would be sent from your selves. I assure you if they Came they shall fare as our own Men and I shall with utmost Chearfullness do them any service I can.

I am Glad you Encline that Capt Fones and any other vessells you send should Go with us, this will certainly be for our Mutual defence. I am just now Come to Town and have this oportunity to Inform you that I have ordered our forces to be all here by Saturday Next at farthest and I doubt Not we shall be under saill some time Next Week, it may be towards the Latter End of it I have discoursed with Capt [ ] about our Joining you, he says that if we put in at Newport it will Hinder us 24 hours and it may be two or three days, I therefore propose that if you are ready first you Come to New London and saill together from home or if you shall think better lett me know when we may Expect to find you off Block Island I am your Honrs

Most obliged Very Humble Servt

ROGER WOLCOTT

To the Honable WILLM GREEN Esqr

P S If my proposals are not Agreeable to you lett me know your further sentiments What is best to be done in order to join without Loss of time.

JONATHAN LAW TO JOHN PRENTIS.

MILFORD April 1st 1745

S^r

On a Motion to me from the lower house by their Messengers. These come to caution you against suffering your men to have more strong Liquor than a proper Allowance and to take Care that they have not Caggs of Rhum in their Chest least you should be exposd by it in a time of danger and that you keep your men under good Discipline

JON^TH LAW

To Cap^t JOHN PRENTICE

[Indorsed] Copy of a Letter to Cap^t Prentice April 1^st

JONATHAN LAW TO ROGER WOLCOTT.

MILFORD April 2^d 1745

S^r

I rec^d a Letter from Gov^r Green & sent a Copy by an Express to Hartford presume you have seen it. I have sent to him by this weeks Post. have advisd him of what has been done with respect to the Gen^l Officers and of w^t I thôt would be best to be done in order to putt y^r Troops under our Officers and that was in his Com^ns to his Captains to declare them to be under or of Coll^l Burrs Regiment.

I have desird him to concert measures with your self about time and place for your uniting your forces to proceed on the Expedition. And now S^r I can only say be of good Courage, putt your Confidence in the Lord of hosts who alone can preserve you and

make victorious by many or by few as seems good in his Sight and so I bid you farewell and remain

Your faithfull Friend
and humble Servant
JONTH LAW

P.S Service to Mr Miller and all ffriends.

To ROGER WOLCOT Esqr

WILLIAM GREENE* TO ROGER WOLCOTT.

NEWPORT April 4th 1745

Sr

Yours of the 1st of this Instant I Recd and as to our Sloop waiting upon Your Honr at Newlundon I Should be well pleasd to oblige You therein; She being now fully Mand And Ready to Sale; but I this Day Recd advice that one of our Captains, is Likely to Raise a Company which I Expect to be further apprised of in a Day or two when I Shall Indeaviour to Let You Know farther; if it so happens; and whether our Sloop Can wait on You at Newlundon or not; if it so happens, that She Does not Come before You are Ready; I Shall be Greatly obliged to you if Youl be plesd to touch at Newport; as you Come along, it being but Little out of your way; and if you have opertunity be pleased to Let me Know what time next week You will Sale; and if we are Ready first our Sloop Shall wate on you at Newlundon; if I had not had ye above sd ad-

* William Greene was born in Warwick, R. I., Mar. 16, 1695. He was for many years clerk of the county court in Providence; became deputy-governor of Rhode Island in 1740 and governor in 1743, which office he held until his death at Providence Feb. 22, 1758. *Appleton's Cyclopedia of American Biography.*

vice of y^e^ Raiseing s^d^ Company; I Intended our Sloop should have saild for newlundon this Day.

I am S^r^

your Hum^ble^ Servant

W GREENE

ROGER WOLCOTT TO JONATHAN LAW.

[ ]

[ ]cknowledge the favor of yours 2^d^ Instant I had Wrote to Gov^r^ Green in the afair and moving that the Delay of our Calling at Newport might be preventd by Cap^t^ fons meeting us here or Waiting for us off block Island

This Minute I Rec^d^ a Letter from him by Cap^t^ Hall Informing that twas likely they Might raise a Company In Expectation whereof there sloop Delayed Coming and Again moveing men to Call at Newport which tis possible we may do for Cap^t^ Grentt (?) wants both match and ball which Cant be Gott here

The forces from Hartford County will be in Town to day Cap^t^ Denison and Whitting on Monday the Transports are all here but those from the west which I hope sett forward with the western Troop on Wednsday and will be here in time I spoke to Coll^o^ Bur at Hartford and sent word again by M^r^ Walter from Norwich that their March might not be Delayed Longer but have heard Nothing but a suspicion that Cap^t^ Chapmans Company is not Complet I hope if that by any delay your Hon^r^ will remove it

I have apointed Teusday to Reveiw the Regiment and Give the proper orders Intend Imediately to put all on bord and be under saill early on Wednesday morning

Altho for a small time at first setting out the business ther at a Distance seemd Insuperable to my

Age yett since I have began upon it all Clouds vanish I trust to do my Country Good service and never went more Cheerfully about any afair in my life may God be with us and make our Hands suficient for the service Give us victory and return us in safty and make us in all things resigned to his will In hopes of this mercy I remain

your Hon[r]
very Humble serv[t]
ROGER WOLCOT

[Superscribed] To the Hon[able] JONATHAN LAW Esq[r] In Milford These

[Indorsed] Dep Gov[rs] Letter April 6[th] 45

WILLIAM GREENE TO ROGER WOLCOTT.

NEWPORT April 7[th] 1745

S[r]

Yours of the Sixth Instant I Just now Rec[d] and am Glad to hear Your Hon[r] is Likely to Sale so Soon; we have two Companies partly filled; and Shall Do all in my power; to fill one out of boath; to be Ready to meet You at Block Island as You Come along, but Can not be Sertain of that; our Sloop is now Under Sale for Newlundon and I Expect will be there this Day I hartily wish Your Hon[r] Success in Your undertaking;

and am
S[r] your Humble Servant
W GREENE

WILLIAM SHIRLEY TO JONATHAN LAW.

BOSTON Aprill 8. 1745

Sir,

I have your favour of the 31[st] of last March, and have inclosed a printed Copy of my Speech to the

Asembly in answer to it, as that perusal of that will inform you of the prospect we have of a sufficient Naval force to support the Expedition; and have to add to it y^t^ I am in great hopes Commodore Warren proceeded, upon meeting some of our fleet at sea in their passage to Canso, directly for that place or Cape Breton, having heard nothing of him or his ships since, and it being now the 10^th^ day, since the Vessells w^ch^ brought in his Express to this port, parted from him in the latitude of 22 upon his passage hither.

I hope the Major General will have a safe and speedy Arrival in Chappeau rouge Bay w^th^ the forces under his Command, and y^t^ the Event of the Expedition will be such as will effectually promote His Maj^ys^ service, and the Common Interests of both Colonies; and y^t^ our united forces and Counsels will succeed in this and every other scheme undertaken for the service of the Common cause, in promoting w^ch^ I shall ever esteem my self happy and am

Sir, Your Honour's most obedient
Humble servant
W SHIRLEY

Hon^ble^ Gov^r^ Law.

ROGER WOLCOTT TO MRS. SARAH WOLCOTT.

New London Aprill 10^th^ 1745

Dear Spouse

This is the Last Letter I shall Give you before I Embarke and am allmost Distracted with Hast while I write this have only to say Abn^r^ is Marry^d^ and ursula is here but Going home to day Capt fones is is here with the Tarter 90 men 16 Guns Comadore Waren is doubles at Cape Breton with a 50 and 2: 40 Gun ships The whole Number of Cariage Guns on

bord is about 270 besides swivells &c. We expect one if not two Companys from R Island

yesterday was a Generall Review the Regiment found Compleat and Monday we took a view of the Transports and found they would not sufice for the men and stores therefore are fitting Another Brig^{e} this has Given some delay but hope to Go on bord by fryday at furthest in my opinion here appears the bravest Regiment that Ever I see and I hope they will do Good service when we Come to Action

I am in Good health and chearfull hopeing for success and a Joyfull return

I Acknowledge the Kind and Ingenious Letter from Josiah and Erastus. Can have no time to Gitt any thing for Oliver or Concern my self with my Domestick business only if they want money for beeds (?) &c: they may have it from M^{r} Huntington or Major Newton which I hope they will send up to you

Dear heart Excuse my Hurry which has Em[?] my Whole time since here and Encreases Every Day but my heart is the same towards you as before and hope to have a time to pour it out into your Boseme recounting the Toiles and Dangers I have born or meet you in Endless hapiness where our Conversation will be upon a better subject and more pleaseing farewell sweet heart Give my Love to my family and all friends

Ever yours

ROGER WOLCOTT *

[Superscribed] To M^{rs} SARAH WOLCOTT In Windsor These

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*Roger Wolcott's interesting journal while on this expedition against Louisbourg, covering the period from May 30 to July 30, 1745, is in possession of the Connecticut Historical Society and was printed in the first volume of its Collections. In addition to the daily record of events it contains copies of the correspondence relative to the surrender, the articles of capitulation, and a short general account of the expedition.

GEORGE CLINTON TO JONATHAN LAW.

NEW YORK 15th Apl 1745

Sir

I have Just receivd an Authentick Account From the West Indies of the Arrival of the Chevalier de Cailus at Martinique with Seven Sail of Ships of War, Two of 74 Guns, two of 64, two of 56 and a Frigate of 36 Guns, with upwards of 20 Sail of Transports and 3600 Troops, with an Intent to make an Attack on some of the British Islands there; And as I find the Intelligence of the Expedition now Carrying on agt Cape Breton is generally spread in those Parts, It is very probable that French Commander will not be long without the Account, which I apprehend may divert the thoughts of his Original Intentions, to come to the Defence of that Place; and in Case the English Forces Should be Defeated, It highly behoves all the Governments upon this Continent to consider well what may be the Consequences of such an Event: I have therefore thought it necessary to give You this Information, that You may be upon Your Guard, and in readiness not only to Defend Yourselves, but to assist Your Neighbours with Your utmost Force both by Sea & Land, in Case of Need.

I am Sir

Your most obedient

Servant

G CLINTON

The Honble JONN LAW Esqr

GURDON SALTONSTALL* TO JONATHAN LAW.

NEW LONDN April 17. 1745

Honble Sir

Pardon the trouble I now give You: since its only to advise your Honr that Majr Gen Wolcott

*See Talcott Papers, II, 364 (*Collections, V.*)

with the Fleet &c under his Command, was under Sail at 12 Clock last Sabbath, all in good Circumstances, & had a fine Time out to Sea & the Gen[l] hoisted his Flagg at the Mainmast head, of the Sloop Defence. The Sloop Tartar Join'd the Fleet some days before they saild. the Gov[t] of Rhode Isl[d] furnish no Land men. & the Tartar returns from Cape Breton with all Speed. I was oblig'd to hire the 7[th] Transport, being a Brig[tt] 104 Tons, y[t] arriv'd from Barbados last week. all the Transports were but sufficient The Regim[t] scarce want[d] a man

I am y[r] Hon[rs].

Most Dutf[l] Hum Serv

G. SALTONSTALL

To The Hon[le] Jon[a] Law Esq[r] Gov[r]

[Superscribed] The Hon[ble] Jonathan Law Esq[r] Governour of Connecticutt att Milford

[Indorsed] Coll[l] Saltonstall's Lett April 1745

JOHN STODDARD† TO WILLIAM SHIRLEY.

Extract of a Letter from Col[o] Stoddard.

North Hampton Apr[l] 24. 1745.

Sir,

I having no prospect of an Opportunity speedily have sent a man to carry my Letters. I have waited several days expecting News from Albany, Cap[t] Shelden returned from thence Yesterday, he brought me no Letters, he tells me that M[r] Lydias purposed this

†John Stoddard, born Feb. 7, 1682, was perhaps the most important man in Northampton, Mass., during his lifelong residence in that town. He held many positions of importance, was Colonel, commander-in-chief of the Western Department of Massachusetts, representative, councillor, justice of the common pleas and superior courts, was frequently employed in negotiations with the Indians. He died June 15, 1748.

week to write to me concerning the Difficulties they have about the Six Nations, & the danger of loosing them

Cap^{t} Shelden tells me that those Nations have not hunted this Spring, neither are they likely to plant, their Chiefs are going to Canada to wait on the Gov^{r} & notwithstanding all the Commissioners can say to them there still remains a Suspicion that the English & Dutch had formed a Design to destroy them & besides what the Governour of Canada has said to them, Some English or Dutchman has told them that we had designed their Ruin, but the Commissioners (for some reason) had declined to enquire of them who it was. These people are very numerous, & if they should be drawn to the french Interest they will be worse to Us than all Canada.

It seems to me unsafe for us to lie still & use no Endeavours to free them from their Jealousies, they are so distrustful of the Dutch that it may be difficult for them to pacify those Nations.

I propose to your Excellency whether it would not be worth while to send Cap^{t} Martin Kellog of Newington amongst them, he is a man of Good understanding, has formerly been very conversant amongst them, he speaks their Language, & I can't but hope that his going may have a good effect at this Critical Conjuncture.

WILLIAM SHIRLEY TO JONATHAN LAW.

BOSTON April 27. 1745

Sir,

I wrote to your Honour the eighteenth of March last to move you to send Succours from your Govern-

ment into the County of Hampshire, to which you sent me a favourable Answer But I understand the Matter is not yet complied with: I refer you to my Letter for the reasons of my pressing this Matter as a thing of the greatest moment, I have lately received Advices from Col° Stoddard which I now inclose to you, which represent the State of Our Affairs to be such as to require your immediate Assistance. And you will give me Leave to tell your Honour that if your Succours are to be raised & sent, after any Blow is struck, It will be of little Service in Comparison of a Force ready upon the Spot to recieve & repel the Enemy, I must therefore repeat my Instances that no Time may be lost but that your Succours may be sent into the County of Hampshire as soon as possible

I am Sir,
Your Honour's
Most Humble Serv^t
W SHIRLEY

The hon^ble JONATHAN LAW Esq^r

WILLIAM SHIRLEY TO JONATHAN LAW.

BOSTON April 27. 1745.

Sir

Having by means of one Robert Clarke the Bearer got Intelligence that John Scions, Joseph Boyce, and one Bosworth conceal themselves at and near a Place called the Oblong in New York Government & sometimes in your Government that borders thereupon occasions my present Writing to your Honour.

They are men that have been Guilty of enormous

Crimes in this Government having been two of them tried and convicted at Salem for forging & Emitting Counterfeit Bills of Credit & upon praying the Same had the Benefit of their Clergy* allowed them since which upon perpetrating fresh Crimes of the like Nature they were taken & Committed to Salem Goal from whence they escaped & have for the most part with their Associates & others that joined, ever since continued the like Practices so as to be a Pest to this & the Adjoining Government

It is expected they will be taken in New York Government or Yours & the Bearer who has been so instrumental in discovering them is resolved to Act every thing in his power for the taking & convicting of them & therefore what is in your Power for countenancing, protecting or Assisting him in the Doing thereof without Question will be complyed with on your part. The Heads of this Confederacy have been bold & daring in their Villanies and have practised the same hitherto with so much success that it will be next to impossible to Suppress this great Mischief without Suppressing them and therefore what is in your Power to do towards it without Question will be complyed with

I am your Honour's

W SHIRLEY

The Hon^ble^ JONATHAN LAW Esq^r^

* In old English law the exemption of the persons of ecclesiastics from criminal process before a secular judge; or a privilege by which a clerk, or person in orders, claimed to be delivered to his ordinary to purge himself of felony. This anamolous privilege (which never extended to all crimes), first assumed to give immunity to priestly persons, was in the sequel, extended for many offences, to all laymen who could read. *Century Dictionary.*

SUMMONS TO SURRENDER LOUISBOURG.*

COPY OF THE SUMMONS SENT IN TO LOUISBOURG. MAY 7TH 1745.

Camp before LOUISBOURG May 7th 1745

Whereas there is now encamped upon the Island of Cape Breton near the City of Louisbourg, a Number of his Brittanic Majesty's Troops under the Command of the Honble Lieut Genl Pepperrell, and also a Squadron of his said Majesty's Ships of War under the Command of the Honble Peter Warren Esqr is now lying before the Harbour of said City for the Reduction thereof to the Obedience of the Crown of Great Brittain.

We the said Willm Pepperrell and Peter Warren to prevent the Effusion of Christian Blood do, in the Name of our Sovereign Lord George the Second of Great Brittain France and Ireland King &c Summons you to surrender to his Obedience the said City, Fortresses, and Territories, together with the Artillery, Arms, and Stores of War thereunto belonging, In Consequence of which Surrender We the said William Pepperrell and Peter Warren, in the name of our said Sovereign do assure you that all the Subjects of the French King, now in said City, and Territories shall be treated with the utmost Humanity; have their personal Estates secured to them; and have leave to transport themselves and said Effects to any part of the French Kings Dominions in Europe Your Answer hereto is demanded at or before five of the Clock this Afternoon.

WM PEPPERELL
P. WARREN

To the Comr in Chief of the French King's Troops in Louisbourg on the Island of Cape Breton.
[Indorsed] Sumons To Louisbourg

* Inclosed with Pepperrell's Letter to Shirley, May 12, 1745.

MEMORIAL OF THE MOHEGAN INDIANS TO THE GENERAL ASSEMBLY.

To y^e^ Honourable General Assembly of his majesties Colony of Connecticutt to be Conveand in Hartford y^e^ Second thirsday of may Instant y^e^ Humble Memorial of us Subscribers being Mohegon Indeans would Humbly observe to your Honours that we have allway and yet are faithfull frinds to S^d^ Colony in all things and Especialy in y^e^ Late Controvercy S^d^ to be between S^d^ Colony and y^e^ Mohegon Indians and accordingly Expect your honours protection in all matters Reasonable which we have Had in times past for which we are thankfull and now may it please your Honours to Suffer us to Lay before your honours our Distresed Circumstances M^r^ James Harriss of N: London is Got in upon our Land as we are Inform^d^ by a Lease for near or quite 20 years and we think very Much abuses us for yt he for bids us to fence any Land in y^e^ Mohegon feald for wheat and will not Suffer us to Keep Cattle and will not plough our Land Nor Suffer any other person to plough for us and thretens to Send us to prison or Sell us to Sea if we Do not Intirly Submitt to his Goverment which we think is tiranacle if Not Diabolical

and we would further observe that one Asa Harriss hath got into about 100 acres of y^e^ Mohegon field Next to trading Cove and Saith he hath a Leas of ye Same for 20 years of which None of y^e^ Indeans Knew any thing till after s^d^ Leas was obtained but Ben our Sacham who we think hath no Right to Leas our Lands without our Leave and we are Informed that S^d^ James Informed Sam^ll^ Lynd and Jn^o^ Richards Esqr^s^ our oversears that we ware Willing that S^d^ Asa Should have S^d^ Leas which is altogether false we are Informed that S^d^ Asa is to plough one

acre of Land for y^e^ Indeans Every year for Rent of S^d^ Land which we think is but a Small Rent for a Hundred acres of Land and S^d^ Asa Hath Built Considerable fence on S^d^ Land and ploughed up Considerable of S^d^ Land and Cutt Down a vast Deal of timber on S^d^ Land for House timber and is a bout to build a House on S^d^ Land and also Hath Cutt a Considerable timber for Bark by all which Doings of y^e^ s^d^ Harrises we are Exceedingly Distressed impoverished and allmost undone and Can by no Means Live and Support our Selves and families for we Cannot Go a Hunting because of y^e^ war unless we Joyn with y^e^ Enemies of this Colony which we Cannot Do and have there fore Need to improve our Land which we Cannot Do for y^e^ Reasons afore S^d^ we therefore pray your honours to Consider our Case and Grant us Releaf in Some way as your honours Shall think Best and we as In Duty bound Shall Ever pray Dated in Mohegon May y^e^ 8^th^ Day A D 1745

Benj^a^ Uncas Ju^r^
Samson Occom
Samuel pie his X marke

Woanperneck his X marke
Caleb Clark his X marke
Joseph Pie his X marke
Ephraim Johnson his X marke
Joshua Uncas his X marke
George Quaquaquod
Zechariah Johnson his X marke
Henry Quaquaquod his X marke
John Uncas his X marke
Andrew tantapan his X marke
John Dantuequesan
Samuel Uncas his X marke

Moses mazzean

Noah Cyhjoy his X marke

Joseph Johnson his X marke

Simon tobiah his X marke

John Buel his X marke

[Indorsed] No 20 Memorial Mohegan Indians May 1745

WILLIAM PEPPERRELL TO WILLIAM SHIRLEY.*

May it please your Excellency

The Letter herewith Inclosed Contains an account of the State of the army during our stay at Canso since which a more agreeable Scene has opened. I have now the pleasure to Inform your Excellency, that on the 29th ult° We set sail from thence in hopes of reaching Chapperauge Bay that night, but the wind failing Rendered it impossible, and Obliged us to lay asside the thoughts of a surprize, the next morning about Eight aClock We were off the mouth of the Bay upon which the Enemy made an Alarm by firing off a number of their Cannon We came to Anchor with all Expedition & tho it was a Difficult time determind immediately to Land the Troops under Cover of Fletchers, Bosch's & Sanders Guns. A party of about 150 of the Enemy Sallyd out to Annoy our Landing who were well received by the Boats first on Shore who kill'd Six or seven & took as many prisoners (among whom were some persons of Distinction) without Loss of any on our Side & one or two Slightly wounded, the Enemy soon retreating to the Garrison. We landed about 2000 men the first

* Inclosed with Shirley's Letter to Law of May 18, 1745.

day during which time the Enemy Burnt a number of Houses between the Town and Grand Battery, & sunk some Vessells in the Harbour the next day Landed the Remainder of the Troops & proceeded to put the Army into a proper Disposition for such opperation as should be found most Expedient.

Next morning found that the Enemy had Deserted the Grand Battery in a very precipitate manner having Spik'd up the Guns but left the Trun[ ] on & many of the Carriages whole and a Quantity of Shot upon which immediately ordered a Regiment there, the Union Flagg to be hoisted & Workmen to Drill the Cannon who soon got several of them Cleared, and turn'd them on the Town with good Success, almost every Shot lodging within the Town & a Considerable Number among which was the 3^{d} 4^{h} & 5^{h} fell into the Roof of the Citadell. We have now got about Twenty of them ready for service four only of which can bring to bear upon the Town most of the others Command the mouth of the Harbour. hope soon to get the whole number Drill'd which will be Twenty five 42 pounders & two 18 pounders, three of the 42 Pounders being Split, Cannot Conceive of any Reason why the [ ] should Desert so fine a Fortification but Extrem want of men, the Enemy return Our Fire from thence with some Cannon & more Bombs some of which have Shatter'd part of the Wall & Buildings but hurt none of our men. The Landing & Transporting of the artillery & Stores prove very Difficult have got the small mortars & Cohorns to a hill about Four hundred yards Distance from the Town and y^{e} large one to another Hill near that from wh[ ] have thrown some Bombs into the Town, but the Bed of the large one me[ ] our Chieff Dependance is has twice given way & put us to Dif-

ficulty. The Enemy have twice Sally'd out towards that Battery but were Repuls'd by the Detachment posted for the Security thereof without Loss on our side & only one man wounded but by some Cannon they have turn'd upon it from the Town We have had one man killed & 2 or 3 Wounded We have also thrown up a Fascine Battery at the West part of the Town where Expect this night to have mounted the Eight 22 pounders. on the 7th Instance by Advice of the Council at which had the pleasure of Commodore Warrens presence a summons was sent in to the Commanding officer at Louisbourg Copy of which with the answer have Inclos'd, upon which Determin'd to proceed in the most Vigorous manner and to attack the Island Battery in Boats the first favourable oppertunity to the assistance of which Comodore Warren offered to send a number of his Sailors & marines but as yet have not had oppertunity to prosecute it I had the pleasure of meeting Commodore Warren on my passage to Chapperouge Bay who assured me of his readyness to Contribute to his Utmost in any Shape for the good of the Expedition and since our Landing he has been so good as to come on Shoar with the kindest offers of the same which are very Acceptable and Engaging, yesterday I received your Excellencys Letters of 10th & 22d Ulto by Express from Canso Capt Bradford being Detained there by the Loss of his Boom delivered to Comodore Warren his Inclosed Packetts, what relates to that Gentn in your Excellencys Letters is perfectly agreeable to me. I shall on all occasions be fond of the assistance & advice of a Gentn whose generous Attachment to the Welfare of the Colonies in General and this Expedition in Special added to his Well known personal merrit in his active & Successful Service of our nation

intitles him to the highest Esteem and Regard from every well Wisher to new England I had before the receipt of yours wrote to Capt Tyng that he should with the Vessells under his Direction wait upon the Commodore for his orders & strictly to observe the same have Acquainted him of your orders to me relating to sending Smethurst to new England I make no Doubt of His majesty & the ministrys Intire Approbation of your Excellencys Conduct in setting on foot this Expedition & that they will support it but hope we may accomplish our Design without Waiting for any Additional Force from thence I imagine it would be fruitless to send to Annapolis for any part of their strength at a time when they may Apprehend themselves in Danger of a Seige, Col. Moulton has Joyned us with the Detachment sent to St Peters having Destroyed that Settlement taken some plunder & prisoners burnt four Schooners & brought off one he lost one man & had one wounded, y^{e} greater part of the Inhabitants made their escape, have also Advice from Capt Donahew of his Return with Beckett from the Bay Vert, in going up the gutt he met with a party of Indians upon which Capt^{s} Jacques & Staniford with their Companys going on the Shore tho Contrary to orders. the former had the misfortune to be killed & one other wounded, the Indians were Beat off without other Loss on our part in the Bay of Vert he took two small Vessells that were Empty the others were halted up where he could not come at them he Burnt a Considerable number of Houses and Birch Cannoes but was not so fortunate as to meet with any further Success. I find Capperaug Bay a fine Harbour for the Transports which have ordered to Remain their under the Care of Capt Saunders should have Dispatcht a Vesell to your Excellency imme-

diately upon our Success at the Grand Battery but the Wind has proved Contrary and I was in hopes of being able to give your Excellency an account of some Addition to our acquisitions

By Advice of the Council this Day have Determined to Incamp in a Regular manner near the north-east Harbour & throw up a Battery there & mount the new york Train of Artillery and some of the Guns from the Grand Battery and to leave one Regiment at the Grand Battery to Support & Repair it which may be soon done in such a manner that 200 men will Defend it against 2000 & with that & the other Battery proposed imagine that we may Command the Harbour against everything that will Attempt to get in & by posting two Regiments to protect the Battery on the West Side and Intercept any Recruits getting in by Land we shall intirely cut off any Communication with the Town as it has been Judged not advisable to attempt the storming the Town at present and as a Considerable reinforcement may be Daily Expected by the Enemy from Canady as well as Force from France which it is possible may find means to get in. I am advised by the Council to move to your Excellency the Sending us a Reinforcement of a Thousand men also another large mortar and a number of Shells & spare bed for the large mortar, shall send up fourteen Transports under Convoy of Capt Smethurst for that purpose & by him & them shall [ ] the prisoners a List of which have Inclosed, am much obliged to your Excellency for your Care in Regard to us I have just reced yours of 23^{d} which Capt Donahew brought down from Canso by whom am Informed that five of the Vessells with provisions for the army are arrived there having narrowly Escaped the French Ship that has been upon the Coast some time who

had obliged one of them to strike which afterwards Escaped by meeting with Rouse who to prevent the Transports falling into the Enemys hands gave the Ship opportunity to Chase him by which means those of them got Safe to Canso am fearfull that one or both the other are taken the French Ship having made use of our Signals for a Decoy have not yet heard further of Rous. hope Capt Cutter will be able to give you a good account of him by this oppertunity have desired Commodore Warren to send up a Convoy to Canso to bring down the provision Vessells there. shall write your Excellency again by Capt Smehurst whom I Expect will be here very soon in the mean time must pray that multiplicity of Business may Excuse what is wanting in this

I am with all Duty
your Excellencys most Obed^{t}
humble Servant
WILLIAM PEPPERILL

Camp before LOUISBOURG
May 12th 1745

I have had great Satisfaction in the Conduct & Vigilence of the Gen^{l} Officers & Col Bradstreet I hope all the others will merrit the Thanks of their Countrey there was a scout Contrary to orders Stragled & Eighteen of them was killed there is near two hundred of our Soldiers taken sick since the Inclosed List was taken

His Exčy Gov^{r} SHIRLEY
Copy Examined ℔ J WILLARD Sečry

[Indorsed] Lieu^{t} Gen^{ls} Letter Copy

WILLIAM SHIRLEY TO JONATHAN LAW.

BOSTON May 18. 1745

Sir,

I have now the Pleasure to congratulate your Honour upon the favour of Divine Providence towards us in our undertaking for the Reduction of Cape Breton, in the Advantages we have already obtained against the Enemy & the Prospects we have of further Success; and you will have a greater Share of Satisfaction herein as your Governm^{t} has taken upon themselves some part of the Charge & Burthen of this Expedition: But both the General & Commodore Warren press earnestly for a Reinforcem^{t} of Troops, for which my principal Dependence is on the Goverm^{ts} of New Hampshire & Connecticut; I do therefore desire that you would supply what Force you possibly can, & that without the least Delay: And that herein you would consider the vast Expence this Province has been already at; for besides that our Quota of Troops does greatly exceed yours in proportion to our Numbers & Estate, if you will add our large Naval Force, our Train of Artillery, the Powder & other Stores of War & Implements for the same, & many other Charges for the Advantage of the Forces in general w^{ch} this Province will bear alone, I question whether the Charge of your Colony will amount to much more than one tenth Part of ours in the Proportion I before mentioned: And therefore I hope your Governm^{t} will furnish five hundred Troops more for this Service at least. I have inclosed you a Copy of my last Letter from General Pepperrell, by which you will find that we are at the very Crisis of this Affair, & that the least Loss of time may prove fatal, And if you will let me know when your Recruits will be ready I will take Care that you shall be furnished with sufficient Convoy for them.

I must earnestly press your Honour to give Orders for the Dispatch of the Vessels in your Colony loaded with Provisions for this Place, that so we may have sufficient to supply our Forces, which is a Matter of very great Moment. I must also entreat you to forward the Letters to the other Governours by Express to Governour Clinton without Delay

I am Sir,

Your Honours obedient

humble Servant

W SHIRLEY

The hon^ble^ JONATHAN LAW Esq^r^.

JONATHAN LAW TO WILLIAM SHIRLEY.*

*S^r^*

Th[ ] morning I Rec^d^ your favour of The 18^th^ Instant, Enclosing The General's Account of the Advantages already obtained ag^t^ our Enemies at Cape Breton, & the Prospects given us of further Success, w^ch^ is matter of Pleasure to & should Excite Thankfulness in all Engaged in it, or y^t^ are well Wishers to The English Arms; and In Answer to y^e^ General's Motion for a Reinforcement & y^r^ pressing Instance Therefor The General Assembly of this Colony have Come into a Resolve to raise 2 Companies of voluntiers consisting of 100 Effective Men Each Exclusive of Comission officers to be Sent, on the Same Encouragement^ts^ as heretofore given and It is observed That General Pepperell, hath concluded to Send up 14 Transports under Convoy of Cap^t^ Smethust on purpose to Send up Their prisoners & To Take The Recruits, It is Therefore Tho't best That our Troops should March by Land To Boston, and Embark There,

* This draft, with the exception of the date line, is in the handwriting of Jonathan Trumbull at this time one of the Assistants. It is much interlined and rewritten.

and We can send our Stores & provisions There for Them, w^ch^ may be The safest & most Expeditious method; I have sent This Express to know when They may probably be Embarked there, what may be Expected from other Governments, and to give Assurance y^t^ the utmost Diligence shall be used to forward the Supply of the Numbers agreed upon here, and This comes with Expectation to have an Answer to it This Week. This Colony is Zealously Engaged in the Comon Cause & I hope your Excellency will not Think us much wanting in our Undertakings in his Majesty's Service, w^n^ you remember we have 600 already men gone to Cape Breton, 200 Detached for y^e^ Service of N Y. 60 men for Hampshire County, and, y^s^ Therefore may serve to answer to your's of y^e^ 27^th^ of April last to Inform That Our General Assembly has come into a Resolve fully Impowering The Com^tee^ of War to Raise a Comp^a^ of 60 Effective men including Officers to Send into The County of Hampshire (w^n^ on further Intelligence they shall Judge it Necessary) under The Direction of y^r^ Excellency To keep Garrison in y^e^ Line of Block houses between Connecticut River & y^e^ Dutch Settlem^ts^ at Hoosuck & Scout There, provided The Province Victual & Support Such Soldiers during y^r^ Continuance in y^e^ Service afore^d^; I shall Take The most Effectual Measures for The Dispatch of y^e^ provision Vessels Designed for Boston: We Shall probably want some powder and other Stores for The Recruits, w^ch^ doubtless you'l Easily Secure for us;

I am S^r^
Your Excellency's
most Obedient Hum^e^ Servant

HARTFORD May 21^st^ AD: 1745.

[Indorsed by Law] Copy of a Letter to Gov^r^ Shirley May 1745

SAMUEL WELLES TO JONATHAN LAW.

BOSTON, 24th May 1745.

Honourable Sir,

This Serves to accompany a Letter from Mr Palmer in London, & to tell the unhappy news, that Capt Craige is taken by the French & none of his letters arrived in London, & beyond all doubt, never will; be sure I have no answer to mine nor any body else I can hear of; I supposed it was best you Should have this Intellegence while the Court was sitting, & should have sent an express, if Mr Burnham who brings this had not promist me to deliver it to your Honour by Monday evening. We are in hourly expectation of news from Cape Breton, & hope it will be good, but have nothing yet but what is in all the prints, I am with my hearty Service to the Gentlemen of the Council & my other friends of the Court,

Sir, Your obedt Humbl Servt

SAMUEL WELLES

Governr LAW.

WILLIAM SHIRLEY TO JONATHAN LAW.

BOSTON May 25. 1745.

Sir,

I have received Your Letter of the 21st Instant, and in Answer to your Motion, that necessary Transports with Convoy should be sent from hence to New London; I must inform you, that those Vessels the General mentions, are not yet arrived here, but I expect them every hour, and as soon as they shall arrive, I will Order the Convoy with a sufficient Number of Transports to New London to recieve your Troops, And I beleive you may depend upon their

being there as soon as your Troops shall be ready to embarque

I am Sir
Your Honour's Obedient
Humble Servant
W SHIRLEY

The Hon^ble^ JONATHAN LAWS Esq^r^.

[Indorsed] Gov^r^ Shirleys Letter May 25 1745

WILLIAM PEPPERRELL TO PETER WARREN.

From the Camp May 31^st^ 1745

S^r^:

This Comes to acknowledge the fav^r^ of Yours of the 29^th^: and 30^th^ Ins^ts^:* And I assure your Hon^r^ that it was not from any Disrespect to your opinion Given in the plans you Sent us that you had not our hearty Concurrence in them. You will remember that we Joyn'd with you in Making a General assault and that upon your perceiving the Dislike of the under officers you yourself wav'd it also we have pursued your opinion in Attempting the Island Battery as I before wrote you and as to the rest you will not think a Difference in opinion by men that are to Judge in a Case is a Desrespect to Each other

We have taken Such Care in our Camp that the Batterys Should be Guarded and Supply'd with Stores and provision that it has been as Sufficiently done as if our Main Camp had been farther from where our Stores are Landed and Nearer our Battery, we have now ordered a Guard Camp and the rest to Encamp

* Warren's letter of the 30th to Pepperrell, also one of the 31st, are printed in Massachusetts Historical Society, 6 Collections, X, 233, 236.

near the Stores and where our Sick and wounded may be Clear from the Shot of the Town

Your proposal to Send Some Vessells to Boston with the Prisoners is Agreeable to me they being So numerous as to Exceed our men on board the Transports and we have not Irons to Secure them So that our men at the head of the Bay think themselves not Secure. Your Hon^{r} will Consider if a General assault Should be made whether So many men as must be Sent Can be Spar'd but they had as Good be Going With them as ly to Guard them here

It was the opinion of those men with us that were acquainted with the Island Battery that the weather was favourable for the attempt So we proceeded and those who Came back don't Complain that they were defeated by the Surff but the Strength of the place and the darkness of the night by means of which Some of our boats Could not find the place

It is true that the Town has been accounted Impregnable by Sea but we have now the Royal Battery in possession and have play'd our Cannon from our Batterys So Successfully on the Circular Battery that we think we have Dismounted Several of their Guns, this we ar prosecuting and hope for farther Success

We are forward with a Battry of Eighteen pounders on the Light house Side to play on the Island Battery which we hope may be to Good purpose. I hear the Enemy have Laid a Boom before the Town to prevent Landing from the Ships

Thus having Laid the True State of the Case before you; Whether it may be proper to Bring in the Ships before the Town and with a force from thence in Conjunction with what Can be done on our part (which I assure you Shall be to the utmost) to

attempt the Reduction of it or not I Leave to your Determination who are best acquainted with afairs of this nature

By mine to you of the Inst I Inform'd you of the State of the Land Forces Since which we have had an Engagement with the Enemy wherein we Lost Seven men among whom the Brave Capt Dimeck was one and had thirty wounded this party of about one hundred and fifty were Design'd to throw themselves into the Town or Distress our Camp but as the prisoners tell us are now Scattered and they have had about forty Killd and wounded.

Your Honr Will Consider what Number we Can afford you to assault the Town on the water Side Reserving a force Sufficient to Enter at the west Gate and to Secure our Camp if We Should not Succeed

As your Honr observes we are happy in that we Can be Supply'd from you with powder: the Seige being drawn out to a Greater Length than was Expected and the Strength of the wall making it Necessary to Discharge So many Cannon has been the Cause of our want and I must farther tell you that we have no Ball for our Eighteen pounders So that the Battery on the Light house Side must be Entirely useless unless we Can be Supplyd from you

From the Considerations you have mentioned and from the Sickness in the Camp and our Exposedness in our Enemys Country to their Insults, I am of opinion the utmost Dispatch Should be Given and am resolved no thing on my part Shall be omitted

I have Watched for an oppertunity to wait upon you on Board this morning I with the Genll officers Set out for that purpose but were Lost in the fogg and so Returned Since the Coming on board is So uncertain if you would Honour us with your presence

here Which I Should Greatly rejoyce in or if that Cannot be Send me your opinion it might prevent Delay I intend to Embrace the first oppertunity to Come on Board as it was before proposed
[Indorsed] to Comodore Warren

GEORGE CLINTON TO JONATHAN LAW.

NEW YORK June 10th 1745

Sir

I Received Your favour of the Eighth Instant ℔ Mr Samuel Canfield whose Deposition I have this Day taken and on advising thereon with his Majesty's Council for this province Find that there is nothing Sworn by Mr Canfeild on which a Warrant can be regularly granted All that he knows being by Hearsay. But as it is probable Seely hath or soon will have a perfect knowledge of all the proceedings I think it would be best to Get him into Your Government & there take his Affidavit of what he knows of his own knowledge in the presence of some person to be sent here who can testify that he saw the said Seely sworn. And I shall thereon issue my Warrant for the apprehending the persons accused I am

Sr

Your most hle Servt

G CLINTON

To JONATHAN LAWS Esqr

[Indorsed] Govr Clintons Letter June 10th 1745

WILLIAM SHIRLEY TO JONATHAN LAW.

BOSTON 15 June 1745

Sir,

I have just now receiv'd Letters from General Pepperrell & Commodore Warren, by which I learn

that altho' we have suffered some Loss of men (between 100 & 200) in an Attack of the Island Battery, w^ch^ miscarried, yet that we have obtained considerable Advantages ag^st^ the Enemy in taking several of their provision Vessels, & worsting them in some Skirmishes, our parties have had with them, & by the Intelligence they have rec^d^ from Prisoners, w^ch^ is confirmed by other Circumstances, the Enemy are short of Provisions & Ammunition, But as the Number of our Men there are not equal to the Greatness of the Enterprize, & therefore the Duty is heavy on the Officers & Soldiers they press importunately for at least three thousand Land Troops as absolutely necessary to reinforce them, & a considerable Number of Seamen for manning the Ship Vigilant; And altho' the Land & Sea Forces need these Recruits, yet I still find the Officers full of Expectations of a happy Issue of this Affair, by the reduction of Louisburg; & as the Success thereof is of the utmost Consequence to the best Interests of these provinces, and which (as I find by Letters, Commodore Warren has rec^d^ from the Ministry) his Majesty & his Ministers have much at heart; I must therefore with great Earnestness press your Honour to have as many Soldiers & Seamen raised in your Colony as can possibly be spared & that without the least delay; & I do assure you that I find the Assembly were well spirited to support the Expedition to their utmost, and that they will do all that they can to furnish the necessary Recruits, but it is not possible nor can be expected that we should answer these Demands of Recruits without very great Assistance from our Neighbors.

We hear nothing of our Transports coming from Cape Breton, and are taking up fresh Transports for our own Troops here, & are afraid there will be a

Necessity for your doing the same, tho' we hope you may depend upon Convoy w^ch^ we expect every day from thence.

It will be of great Consequence that I hear speedily from you for the Encouragement of our friends at Cape Breton.

I am Sir,
Your Honour's obedient
humble Servant
W SHIRLEY.

P. S. I hope your honour will exert your self upon this Occasion; it is the very Crisis of the fate of the Colonies of New England — I must press you in the Strongest manner to augment the number of your recruits; and to imbark those already raised as soon as possible, as I shall begin to do thorout this Province. The Disappointment from the Transports not being sent by the General, as he propos'd is unforeseen & unavoidable: pray don't let that be any obstacle in the case. The Quantity of ammunition I must now send down is exceeding great but we regard not Expence.

The honourable JONATHAN LAW Esq^r^

PETER WARREN AND WILLIAM PEPPERRELL TO MR. DU CHAMBON.

Copy Answer to N° 2

Camp before LOUISBOURG [June 16, 1745]

*S^r^*

We have before us Yours of this Date together with the Several Articles of Capitulation, on which You have propos'd to Surre[ ] the Town and Fortifications of Louisbourg w^th^ the Territories [ ]

Under Your Governm^{t} to his Britanick Majesty's Obedience to be delivered up to his s^{d} Majestys Forces now besieging s^{d} p[ ] Under our Command, which Articles We can by no means concede to — But as we are desirous to treat You in a G[ ] Manner We do again make You an Offer of the Terms of Surrend[ ] propos'd by us in Summons sent You 7th May Last and do [ ] Consent to Allow and promise You the following Articles.

First That if Your own Vessells shall be found insufficient for [ ] Transportation of Your persons and propos'd Effects to France We will provide such a further Number of Vessells as may be Sufficient for that purpose, allso any provisions necessary for the Voyage, that You Cannot furnish Your selves with.

Secondly That all the Commission Officers belonging to the Garrison, and Inhabitants of the Towne may remain in their Houses [ ] their Families, and enjoy the Free exercise of their Religion, and no person shall be Suffered to Misuse or Molest any of them untill such Time as they can be conveniently transported to [ ]anc[ ]

Thirdly That the non Commission Officers & Soldiers shall Immediately up[ ] the Surrender of the Town & Fortress be put on board Some of his [ ] tanick Majestys Ships till they can allso be transported to France

Fourthly That all Your sick & wounded shall be taken tender Care of in the Same manner with our Own.

Fifthly That the Commander in Chief now in the Garrison shall have Liberty to send off Two Covered Waggons, to be Inspected only by One Officer of Ours, that no Warlike Stores may be Contained therein.

Sixthly That if there are any persons in the Town

or Garrison, w^ch^ you shall desire may not be Seen by Us, they shall be permitted to go off masked.

The above We do consent to, and promise, upon Your Complyance w^th^ the Following Conditions —Viz^t^—

First That the said Surrender, and due performance of every part of the afores^d^ premises be made and Compleated as soon as possible.

[ ]ondly That as a Security for the punctual performance of the Same the Island Battery or One of the Batteries of the Town shall be delivered, with all the Artillery and Warlike Stores thereto belonging, into the possession of his Britanick Majesty's Troops, before Six o' the Clock this Afternoon.

Thirdly That his s^d^ Britanick Majestys Ships of War, now lying before the port, shall be permitted to enter the Harbour of Louisbourg, without any Molestation, as soon after Six of the Clock this afternoon As the Commander in Chief of s^d^ Ships shall think fit.

Fourthly That none of the Officers, Soldiers, nor Inhabitants in Louisbourg, who are Subjects of the French King shall take up Arms against his Britanick Majesty or any [ ] his Allies, untill after the Expiration of the full Term of Twelve months from this Time.

Fifthly That all Subjects of his Britanick Majesty, who are now prisoners w^th^ You Shall be Immediately delivered up to us.

In Case of Your non Complyance w^th^ these Conditions We decline any further Treaty w^th^ You on the Affair and Shall decide the Matter by Our Arms.

P WARREN W PEPPER[ ]

M^R^ DUCHAMBON Gov^r^ of Louisbourg

[Indorsed] Articles att Louisbourg 1745

WILLIAM PEPPERRELL TO MR. DU CHAMBON

Copy Answer to N° 3.

Camp before LOUISBOURG
June 16. 1745.

S^r

I have yours by an hostage signifying your Consent to the Surrender of the Town and Fortresses of Louisbourg and Territories adjacent &c on the Terms this Day proposed to you by Com^r Warren & my self, excepting only that you Desire your Troops may march out of ye Garrison with their Arms and Colours, to be then delivered into our Custody, till said Troops arrive in France, at which Time to have them returned to them, which I consent to, and send you an hostage, for y^e security of the performance of what we have promised, and have sent to Commodore Warren, that if he consents to it also, he would send a Detachment on shoar to take possession of the Island Battery.

W^M PEPPERELL.

Mr DU CHAMBON &c at Louisbourg

WILLIAM SHIRLEY TO JONATHAN LAW

Sir,

Upon further Consideration of the great Necessity of giving the utmost Dispatch to our new raised Troops for the Expedition against Cape Breton, I do most earnestly desire that you would send those you have raised without Loss of Time to Nantasket, where they will be ready for Our Convoy which We daily expect from Cape Breton, & if upon her Arrival here she must make a Voyage to Connecticutt for your Transports, it will occasion such a Delay as may prove of mischevous Consequence to the Grand Affair; and therefore I beg you would be expeditious in this Busi-

ness, for I hope to have some hundreds of men to embark by the latter End of this Week; I must depend upon your augmenting the Number of your Troops last voted, but that must not hinder the Dispatch of those you have ready.

I am Sir

Your Honour's Obed^{t}

Humble servant

W SHIRLEY.

BOSTON June 17. 1745.

We hire Transports for our own Troops. If any should come from the General unexpectedly; we will accomodate your Troops w^{ch} you shall hereafter raise with 'em.

The Hon^{ble} Gov^{r} LAW.

JOHN PRENTIS TO JONATHAN LAW

LEWISBURG June 18th 1745.

May it please y^{r} Hon^{r}

These Comes with the good News of our being in posesion of Lewisburg and all there fortreses by Capitulation they Surendred up the Town Last munday and are to march out with all theare Baggage I have been att the Taken of S^{t} Ans and nigonesh about 30 Legg N. N. W. from Lewisburg and burning about one hundred houses by orders from the Comodor. I this morning had the pleasor to bring in to Lewisburg a ship of about Two hundred Tuns and Twelve guns Loaden with wine and Stores for Canada we have Taken the Leviglant of 64 guns a man of war from france and a priveteer Ship of 24 guns and a hundred an fifty men and Severall other Ships Brigantines and other Small vesells; Lewisburg proves much Stronger then represented att New England we Expect three 60 gun ships from france and a fleet

other ships. my men are all well and in high Spirits. The french are Very Kind in sending us wine Brandy and other Stores. which we Drink with a great deall of pleasure. I Hope it will not be long before we shall be masters of the whole Country having gott the most Considrable all ready I am now Cleaning my Vesell by order of the Comodor for Crusing on the Coast but Cant Tell wheare I am bound or when I shall be at home being put under Comodor warrens by Genr[ll] Wolcot we have Eleven men of war now in Lewisburg harbor, I shall give you an ac of them

Ships names	Number guns	Cap[t] Names
1. Superbe	60 guns	Comodor Waren
2. Princes Mary	60 D°	Cap[t] Edwards
3. Sunderland	60 D°	Cap[t]
4. Canturbury	60 D°	Cap[t] Hore
5. Levigilant	64 D°	Cap[t] Douglass french prize
6. Chester	50 D°	Cap[t] Gerey
7. Hector	40 D°	Cap[t] Cornwall
8. Eltham	40 D°	Cap[t] Durell
9. Lanceston	40 D°	Cap[t] Calmady
10. Mermaide	40 D°	Cap[t] Mountrine
11. Larke	40 D°	Cap[t]

all the above ships were bound in to the harbor the first wind had not they Surendred as they Did by a Councell of war held on board the Superbe. from y[r] most Obedient

Humble Serv[t]

JOHN PRENTIS

[Superscribed] On His Majestys service To The Hon[bl]e JONATHAN LAW Esq[r] in Milford Conecticutt in New England via Boston.

[Indorsed] Cap[t] Prentice June 18 1745

WILLIAM SHIRLEY TO JONATHAN LAW.

BOSTON June 18. 1745

Sir;

Since my Letter last Night Capt Snelling is arrived here, who acquaints me that there are twenty five Transports coming from Cape Breton, which he left two days ago, so that I look for them every Minute, & as soon as they arrive I shall send a sufficient Number of them to New London for your Troops; This I think proper to inform you of by Express to prevent any Trouble that my last might occasion to you. I must entreat you to hasten your Recruits, & do every thing to prevail on your Assembly to make large Augmentations of them; I hope to have at least five hundred Men ready by the End of this Week.

Capt Snelling tells me that the Chester a 50 Gun Ship was arriv'd from England, & three more hourly expected, so that we shall have a strong Naval Force; And I understand that the Officers both by Sea & Land, & Soldiers & Seamen are full of Spirits.

I am Sir,

Your Honours obedient

humble Servant

W SHIRLEY

Hon^ble^ Gov^r^ LAW

[Indorsed] Gov^r^ Shirleys Letter & Rpy to him June 20^th^ 1745

SAMUEL CHAPMAN TO JONATHAN LAW

HARTFORD June 18^th^ 1745

Honourabel S^r^:

After I Recd your Comiscon to Inlist men For the Present Expedition to Cape breton I Consulted With Sundry of the members of the Assembly Wheere

It Was most Proper to Raise my men And I Was Advised to Raise A part of them Neere my Selfe and the other part Neere Ajasent to my Leftn and Ensgne Persuant to which I Proseded to take the money out of the tresury to pay to Each man His three ponds primom and I Sent by the Hand of Colnll Fitch of Norwalk Leftn Borlews (?) Comision With Ninty Nine pounds of the money I Had Recd And A Worant to Inlist thirty three men and I Allso proseded In the Same maner With my Ensgn And I Have my Self Inlisted thirty four men Expecting that my Leftn And Ensgn Would Inlist thirty three Each — And Engsn Porish persuet to my orders Enforms me that He Heth Inlisted the Number Asignd to Him And As to Lefn Borlow I Cant Learn that He Is yet Returnd from Boston or that Any person In his Absence Is Doing Any thing In the Affaire — Wherefore I Have Given Engsh Porish orders to Receive the money I Sent By Colnll Fitch and prosed to Inlist the number of men Asignd to Leftn Borlow unles He Should be Retnd and on that Buisnes Himself or Som other Person Apinted Allready In His place proseding in the Buisnes —

your Honour Will Consider myself As Being Att Such A Distance that I Cant often Heere How the mater is Caried on and Let me Heere As you Shall Have opertunity And When you Shall Give your orders for our march Let my Leftn And Engsn Heer from your Honour as my Selfe —

This In Hast From your Willing
And obedient Servat
SAMLL CHAPMAN Captn

[Superscribed] To The Honorabel Jonathan Law Esqr Living in Millford

[Indorsed] Capt Chapman June 18 1745

JONATHAN LAW TO WILLIAM SHIRLEY.

MILFORD June 19th 1745

S^r

Saturday night was Sennit a Justice of peace on our western Borders informed me of one who Contrived to Expose young Boyce and others to be taken in y^e Very act of using y^e Counterfeit plates in a Certain Swamp in y^e oblong on tuesday following but it b[ ]ing out of this Gover^mt I sent y^e Justice directly to Gov^r Clinton to Inform of y^e Stratagem thinking nothing was wanting but an authority & assistance Sufficient would readily be had of our people within ten miles of y^e Spot, he Shewed me two rhoad island xx^s bills one with Divers mistakes in it y^e other with those errors in y^e plate rectified taken of y^e day before, and y^e Justice returned with a Letter y^e Gov^r Signifying y^t y^e Council were of opinion y^t y^r was no foundation for a warrant, y^e Justice being able to Sware only to here Says but y^e undertaker had found y^e plates a 20^s Rh and an half a Crown Plate & a N. Y. plate of 20^s not perfectly Compleated, Press cloths and other implements &c: Sends them over y^e Line, Decoys Boyce & one Hurlburt a partner into y^e Edge of this Gov^mt Seizeth them & they are in N. Haven Goal Hurlburt Confesseth himself Guilty and accuseth 22 persons as Confederate with them Boyce^s father & Scions were transported through this Gov^rmt to you Some time Since.

So far as I can Learn our troops have been Enlisted a Considerable time since when y^e transports are Likely to be here shall Exspect Speedy Information.

In hast ask your Excellencys pardon for this trouble & Conclude as your Humble Servant

J LAW

To Gov^r SHIRLEY

[Indorsed] Copy of a Letter to Gov^r Shirley June 19 1745

GURDON SALTONSTALL TO JONATHAN LAW.

NEW LONDON June 19th 1745

Hon^ble Sir

Since you was pleas'd to intimate att Hartford in May last, that on your return to Milford, You would give Orders to Cap^t Titus Hurlbut, to detatch 20 men for the service of the Battery, to be on the footing they were last Summer. And he now tells me he has none of Your Commands relating to such detachm^t. I therefore presume to hint this matter to your Honour, apprehending through the multiplicity of Publick affairs, it may have slipt your thoughts. And would with all submission hope your Honour will give such Orders relating to the premises as You in Your Wisdom think best. Not doubting, but wee shall have a fresh Instance of Your Paternal care, of the Town and Port of New London. I am

Y^r Hon^rs Most Ob^t
Hum^le Serv^t
G: SALTONSTALL

To the Hon^ble JONATH^N LAW Esq^r Gov^r

[Superscribed] On His Maj^ty Service To The Hon^ble JONATHAN LAW Esq^r Governour of Connecticutt att Milford

[Indorsed] Coll^l Saltonstall June 1745

WILLIAM PEPPERRELL TO JONATHAN LAW.

Honour^ble Sir

It is with the utmost pleasure that I now congratulate you and my Country, on the happy Issue of our Entèrprize against Louisbourg which was Effected thro' Gods Goodness by the Surrender of this strong Fortress &c on the 10^th Inst upon Terms of Capitulation agreed to w^th the Governor of s^d place

by Commodore Warren, and myself, of w^ch^ can now only send your honour the Heads w^ch^ you'll excuse, as I am in the utmost hurry in putting affairs in a proper Disposition, and transmitting to His Majesty the Account of our Success, and of the State of the Garrison. The next Day the ships entered the Harbour and a Detachm^t^ of the Troops w^th^ myself march'd into the Town. Our Army has undergone incredible Fatigues w^th^ all possible Chearfulness in which the Connecticut Regiment have been always ready to take their Shares, & I hope will be rewarded Accordingly.

We have been very happy in having the Fleet commanded by a Gentleman of Commodore Warrens well known Superior worth & Goodness; he has shown the utmost readiness to assist us in everything in his power.

Since we are in possession of this place I am informed of a large Body of Indians arriv'd very near us, but hope that one of the good Consequences of the Reduction of this place will be deterring those mischievous Neighbours of our Colonies from ever molesting N: Eng^d^ again.

I am with much Respect
S^r^, Your most Obed^t^
humble Serv^t^
W^M^ PEPPERRELL

To the Hon^ble^ JONA: LAW Esq^r^ &c &c

JONATHAN LAW TO WILLIAM SHIRLEY.

MILFORD June 20^th^ P. M. 6 a Clock

*S^r^*

Yours of the 18^th^ Instant I Reiv^d^ on wendnesday last I wrote to you and now I Can only inform that I purpose forthwith to send to our Captains to march

their men to New London that they may be there ready to Embark and I am not aware of any danger of Delay in the Case, when our assembly meets Shall use my Endeavours for larger augmentations in Case y^e^ occasion Continues So remaining your

Humble Servant

JON^TH^ LAW

To Gov^r^ Shirley

[Indorsed] Shirley June 18^th^ 1745

ACCOUNT OF STORES AT LOUISBOURG.

Louisbourg 22^d^ June 1745

Invoice of sundry Provisions on board y^e^ Transports Belonging to the Colony of Connecticutt viz^t^

About 170 barrels Beef and Pork, Sufficient for 2½ months

Ditto 70 Casks Bread, & Flour for about 25 days.

Do 30 busl Samp, few Peas & Beans —

6 Tierces rice

Do 6 hh^ds^ rum and one or two hh^d^ molasses f^r^ ab^t^ 24 days

J Miller Comiss^y^.

JACOB WENDELL* TO JEREMIAH MILLER.

Boston June 24^th^ 1745.

*S^r^*

Please to Deliver the Inclosed to Coll^o^ W^m^ Brattle wee hope Soon to hear we have gotten Cape Brettoon in Possession, three of our best Transports are sayled for New London to take in Your Troops Pray lett them have all Possible Dispatch from thence with mine & wifes best respects to Your Self and M^rs^ Mil-

* Wendell was a member of the Massachusetts Council and a prominent Boston merchant. *Mass. Historical Society, 6 Collections X.*

ler & Service to Mr. Adams and famely I remain
S^r^ Your ffriend & Servant
JACOB WENDELL

[Superscribed by Wendall] To JEREMIAH MILLER Esq^r^
In New London

[Superscribed by Miller] To Govern^r^ LAW Milford

[Indorsed by Law] Coll^l^ WENDALL

PETER WARREN TO GOVERNOR OF CONNECTICUT.

Superbe in LEWISBOURG Harb^r^
the 24^th^ of June 1745

Sir

I have the Pleasure to acquaint you, that we are in quiet Possession of the Town, and Garrison of Lewisbourg, and the Territorys hereunto belonging; and that It is my Duty, pursuant to the Orders I have receivd, to apply to you, and the different Govornours upon the Continent for such Provision, and Men, as I may want, & I never had more Occasion for y^r^ Service, than at present, in order to keep Possession of a Garrison, that is the Key to all the french Settlements, upon the Contenent, & of which Possession, every Collony will feel the good Effects, therefore hope you will send with all Speed, y^r^ Quoto of Men; armed, & victualed for at least seven, or Eight Months, to remain here for the Support of this Garrison, till His Maj^s^ Pleasure shall be known, till which Time I shall continue here.

You will please to advertize all his Maj^s^ Subjects, that are willing to come to this Port, to Trade with the Garrison, and Inhabitants, shall have free Liberty, without any Duty or Imposition whatsoever, & that none of their People shall be molested, or impressed, into His Maj^s^ Ships or Service, and there are several

Prizes here, who will be condemnd, and disposed of, and many more will, no doubt, fall in dayly by our Cruizers. I make this application to all your Neighbouring Governours, and have begd them to recommend y^e^ Consideration of this my Request, to their different Legislatures, who cant in any manner, give greater Proofs of their Loyalty to his Majesty, their Love to their Country, and their Care of Posterity, than by assisting me, with the means of keeping Possession of this important Place, till his Majesty can make Provision for It, of a Garison, & Collony, that in Its Consequence, will be the Means of exterpating so dangerous an Enemy as the French are, out of the Contenent, and of uniting such Nations of Indians to us, and to one another, as will greatly encrease our Fur, and fish Trade, and secure us & our posterity in the quiet Possession of our Civil & religious Rights.

I am Sir
your most Obed^t^
humble Serv^t^
P WARREN

Here with I send you a Copy of a circular Letter, signified by his Grace the Duke of New Castle, to all the Govornours on the Contenent least you should not have received It.

The Govornour or Command^r^ Officer of Connecticut.

[Indorsed] Comodore Warren June 24^th^ 1745

WILLIAM SHIRLEY TO JONATHAN LAW.

BOSTON June 24. 1745

Sir,

I have rec^d^ your Letter of the 19^th^ Instant, And am extreamly glad of the Discovery you have made

of the Counterfeiters of the Bills of Credit, & that you have so much Success in breaking up such a Knot of Villains.

I have ordered three Transports to proceed directly to New London, & they accordingly sail'd last Saturday; Our Committee of War tell me that one of your own Vessels was returned, which they expect you will continue in this Service. As to Convoy, I can't see how we can furnish you, unless from this Place to Cape Breton, provided your Troops come here in a few days. Captain Snelling is arriv'd here but I am oblig'd to send him away with the utmost Dispatch with a large Supply of Powder, Shott & Bomb Shells, for want of which the General informs me that they have been oblig'd almost to cease their Fire upon the Town. I hope to get away four* Recruits with him & a considerable Number of Seamen for manning the Ship Vigilant. And I hope to have the rest of our Troops ready by the latter End of this Week or the beginning of next; by w^ch^ time hope to see yours in Nantasket; However our Convoy shall stay longer for 'em.

I am Sir,
Your Honours most obedient
humble Servant
W SHIRLEY

The hon^ble^ JONATHAN LAW Esq^r^

COMMITTEE OF WAR TO JONATHAN LAW.

HARTFORD June 25^th^ 1745

S^r^

The Success of the Expedition against Cape Breton, wee make no Doubt your Honour has very near at

*The word hundred was probably omitted here.

Heart, and therefore will pardon the ffreedom wee take of a few Lines in Relation to that Matter; The Troops that are already gone from this Colony your Honour will please to remember were provided with Stores for four Months only three of which are near or quite expired, and one Months Time may be little enough to supply them with more. The Souldiers by the best Intelligence wee can obtain are very much harrassed and fateagued and a considerable Number sick & unfitt for Service, and stand in great need of a Reinforcement, Wee are credibly informed that the Massachusets Province notwithstanding they had so vigorously exerted themselves at first & by four hundred Recruits and constant Supplys since; upon the pressing Instance of the General have resolved to reinforce the Army a second Time with six hundred Men and are actually raising them, and your Honour will doubtless collect from the Posture Circumstances and Designs of the Army that possibly they may much need them: Now the Sentiments and Desires of great Numbers of People of good Interest about us (to which wee assent and beg leave to recomend to your Honour) are, that the most speedy and effectual Measures may be concerted and taken, for the further supplying our Souldiers in the Service, with Provisions and other Necessaries and Comforts; And that Your Honour would be pleased to take it into your wise Consideration whether the great Importance of this Expedition dos not require that this Government be in Preparation for a further Reinforcement of our Troops in the Army, and that if your Honour's Wisdom should direct to any Thing of such like Nature, the sutable Methods for effecting the same, might (with

your Honours ffavour) be taken as soon as may be Wee are

Your Hon^rs most dutifull
Obed^t Hum^bl Servants
NATH^LL STANLY
OSIAS PITKIN
W^M PITKIN
JOHN WHITING
GEORGE WYLLYS
JN^O CHESTER*

To the Hon^ble JONATHAN LAW Esq^r

[Superscribed] To The Honourable JONATHAN LAW Esq^r Governor of the Colony of Connecticut Att Milford

[Indorsed] Motion of Coll^l Stanly & others for Recruits

JEREMIAH MILLER TO JONATHAN LAW

N. LOND^N June .y^e 26. 1745

S^r

I am Desir'd by Cap^t Sam^ll. Miles to Send your Hon^r a Line to Signify that He arrivd Here this Day in 15 Days from Cape Brittoon w^th ab^t 24 Sick & halfe so many Prisoners; the Post is Coming in so Shall not trouble yo^r Hon^r w^th what We hear I am Your Hon^rs

Most oblidged Hum^le
Serv^t
JER. MILLER

To Gov^r LAW

[Superscribed] To the Hon^ble JONATH^N LAW Esq^r Govern^r of His Majestys Colony of Connectic^tt att Milford.

*These, with the exception of Secretary Wyllys, were members of the Committee of War formed "for the better securing the frontiers of this Colony."

GEORGE CLINTON TO JONATHAN LAW

Sir/

I am in a good deal of hurry as I am to meet our Assembly tomorrow y^t^ I have but just time to own the favour of yours and inclosed M^r^ Shirleys packet I find by yours Devivier (?) has discoverd himself at last, I am sorry for the loss we have sustaind at y^e^ Island Batterie, I wish we had it, I am glad M^r^ Canfield had y^e^ good fortune in his return to secure the Counterfit Plates & to send the two to Goal, I am

Sir

Your very humble serv^t^

G CLINTON

His Hon^r^ JON^TH^ LAW Esq^r^

[Superscribed] N Y 2: — On his Maj^s^ service To The Hon^ble^ JON^TH^ LAW Esq^r^ Govern^r^ of the Colony of Connecticut

[Indorsed] Gov^r^ Clintons June 26 1745

WILLIAM PEPPERRELL TO DUKE OF NEWCASTLE.

LOUISBOURG June 28: 1745

To the Duke of N. castle &c. &c.

My Lord Duke

I have Allready had the Honour to Transmitt to y^r^ Grace in Conjunction with Commodore Warren an Acco^t^ of the success of his Majes^tys^ Arms in The Reduction of Louisbourg, & Territories Adjacent, to his Majestyes Obedience, which was Happily Effected on the Sixteenth Ins^t^ by an Army of his Majes^ts^ New-English Subjects whom I have the Honour to be at y^e^ Head of; Assisted on the Seaside by a Squadron of his Majestys Ships, under the Command of M^r^ Warren, s^d^ Fortresses & Territories being Surrendred

on Terms of Capitulation of which a Coppy was forwarded to your Grace with our Letter & Duplicate hereof is herewith Inclosed, on the 17 Ins^{t} his Majest^{s} Ships Entered y^{e} Harbour & y^{e} Same day part of y^{e} Troops with myself Marched into The City since w^{ch} have used the Utmost dilligence in makeing The propp^{r} dispositions for the Security & good Regulation of the Place, & the Speedy Evacuation of it, agreeable to the Terms of Capitulation, I have now the Honour to Inclose to y^{r} Grace an Acco^{t} of what Troops were Rais^{d} in each of his Maj^{ts} Goverments in N Engl^{d} which were Aiding in This Expedition No all y^{e} Officers Names were Sent here placed Accord^{g} to their Rank & the Present State of them, & I flatter myself that his Maj^{sty} will be graciously Pleas'd to Approve of their Zeal in Voluntarily engageing in so Expensive & hazardous an Enterprize even before they had Notice of any other Navale Force, then the Private Vessells of Warr fitted out by themselves, & I humbly begg y^{r} Grace's Leave to say that I should not do my Fellow Soldiers Justice If I Ommitted this Opportunity to Assure y^{r} Grace that they have with the Utmost Cheerfullness, endured Allmost Incredible Hardships not only those Necessarily Incident to a Camp, in such an Inclement Climate where their Lodgeing & Accomodations could not be but of the Poorest Sort but allso in Landing & Transportation w^{h} Infinite Industry & Pains our Heavy Artillery (some of which were 42^{lb}s Cannon) severale Miles in Cold foggy Nights, over Allmost Impassible, Boggs, Morasses, & Rocky Hills, allso in Landing the Warlike Stores & Provisions, in doing w^{ch} they were Extreemly Expos^{d} & at the same Time we were Obliged to keep out Large Detachments to Range the Woods, in Order to Intercept & Disperse

Parties, of the French & Indian Enemy who were gather^{g} together behind us, with whom we had Severall Skirmishes, in all which we Routed the Enemy Killed & Wound^{d} Many of them, & took upwards of two hundred Prisoners. Severall Sallies were made from the Town, in all which we Repuls^{d} the Enemy with very Little Loss on our side, & we have been so happy Thrô gods goodness as not to Loose above 100: Men by the Enemy in the whole of this great Enterprize they held out ag^{t} a Close Siege of Forty nine days, during which Time we Rais^{d} five Fascine Batterys from whence & a Large Battery deserted by the Enemy on our Landing We gave them above Nine Thousand Cannon Ball & About Six hundred Bombs, which greatly Distressed them & much Damaged their Fortifications, & in Particular rendred useless The most Considerable Battery of the Town (Called the Circular Battery) which Mounted Sixteen Large Cannon, & very much Commanded the Harbour The Fatiegue of our Men in all those Services was so great that we had near Fiveteen hundred Sick at a Time Notwithstand^{g} all w^{ch} they not only Continued to Express the Greatest Zeal to go on Vigorously against the Enemy, but in General generously Acquiessed in the Loss of the Plunder they Expected from the Riches of the City, & tho' Undisciplin'd Troops, I am Perswaded his Majesty has not in his Dominions a Number of Subjects more universally Loyall or that could possibly Express greater Readiness to spend their Lives in the Cause they were Embarked in for his Majes^{ty} Honour & y^{e} Good of their Country. I Esteem it a Peculiar Fav^{r} & of the Happiest Consequence, that his Majest^{s} Ships sent so Timely to our Assistance were under the Command of a Gentlemen of such distinguish^{d} Merritt, & so Universally belov'd in

N. Engl[d] as Commodore Warren He has Constantly Exerted himself to give the Army all Possible Assistance & the same day that a Suspension of Arms was desired by the Enemy, we had determin'd upon a generale Assault by Land & Sea, & for the Better Manning the Ships for that Purpose it was agreed to Spare them Six Hundred Men out of our Troops, I have the Honour allso to Inform y[r] Grace that in our Way from N Engl[d] we Stopt at Canso & Began to Rebuild the fortification there which the french Destroy'd Last Year & Left Eigt Cannon with the Necessary Stores, & Eighty Men of the Troops to Compleat & Defend the same, which hope will Meet with his Majest[s] Gracious Approbation, We have Allso destroy'd the Town & Fort of St Peters & severall Other Considerable Settlements upon this Island & may the Happy Success of this Expedition against Louisbourg (the Pride of France) whereby his Majesty has y[e] Key of the great River of S[t] Laurence, & by which the Absolute Command of the Fishery, & Indeed very much of y[e] Whole Trade of N[o] America is Secured to his Majes[ts] Subjects be an happy Prelude to the Reduction of all the french Settlements in America, in which will y[r] Grace permit me to say, I am Confident his Majestyes New English Subjects will at all Times Ready to Contribute their Utmost Assistance as farr as their Circumstances will admit of & his Majest[s] Great Goodness Leaves no Room to doubt but that he will be graciously Pleas[d] to Express his Royall fav[r] towards those who Ingaged in this Expedition, in such manner as will Animate them & their Country to proceed further w[th] the greatest Cheerfuleness. I must not Omitt to Acquaint your Grace that y[e] french in Conjunction with the Indian Enemy had Prepared to Besiege the Garrison

of Annapolis Royall this Summer Seven or Eight Hundred of them having gathered together there, Expecting as tis said an Armament from France to Join them but were Call'd of from thence to the Relief of Louisbourg, but did not arrive in Season it appears there were notwithstan^g ab^t 2000 Men Able to Bear Arms in the City when it was Surrendered, I now have the Hon^r allso to Inclose to your Grace an Acco^t of the State of this Fortress, & of the Stores found here, & beg y^r grace's Leave to Mention that the Inclemency of this Climate will Render it, Absolutely Necessary that Particular Care be taken for the Warm Cloathing & Lodgeing of the Troops Posted here I Presume his Majesty will be Pleas^d forthwith to make Known his Royall Pleasure Relating to this Important Place till w^ch Time I shall Endeavour w^th the Utmost Loyalty & my best Discretion to Promote the Security & good Regulation thereof & Beg Leave to Subscribe myself w^th all Possible Duty & Respect

May it Please y^r Grace

Y^r Graces Most Obed^t & Most

Humble Servant

W^M PEPPERRELL

LOUISB^G June 28^th 1745

Copy

His Grace the Duke of NEWCASTLE &^c. &^c. &^c.

[Indorsed] S^r W^m Pepperells Letter 1745

WILLIAM SHIRLEY TO JONATHAN LAW.

BOSTON July 3. 1745.

Sir,

I have now the Pleasure to Send your Honour by Express the News of the Reduction of Louisbourg to the Obedience of His Majesty, and the Surrender of it accordingly: But to maintain our Conquest there

which is of the utmost Importance will require the Assistance of all His Majesty's Colonies & Provinces in North America, for furnishing Men Ammunition & Provisions for garrisoning & defending the place till His Majesty shall order Troops from Great Britain, or otherwise Signify his Pleasure in this affair: And I Apprehend this to be the most critical Juncture for Securing it from the Attempts of the Enemy to recover it: For it cannot be doubted but that the French King will soon Send a strong Force both of Ships and Troops to reduce it, before we can be well Secured in the Possession of it, and you may reasonably Judge that this Province is already drain'd of Men Provisions and Ammunition; However we are still so heartily Engaged in his Service, that we have lately sent Four hundred Troops who I Suppose Arriv'd at Louisbourg since the Surrender of it, besides upwards of Sixty Seamen — for manning His Majesty's Ship Vigilant and have about Two hundred Soldiers more Embarked and ready to Embark whom I shall get away with all possible dispatch, And I cannot but hope your Honour & the General Assembly of Connecticut will in duty to His Majesty, and in regard to the common Interest of all His Subjects in North America make Provision for the Raising of a Number of Soldiers immediately for this Service And have them Transported without delay, and likewise give Orders for the taking up and purchasing all the Gun Powder and Provisions that can be got for the Garrison at Louisbourg and the Ships Employed there, of both which they are in want, as the General and Commodore inform me, as also Provisions for the French Prisoners to be Sent home to France: and as this will require a vast quantity (of provisions especially) It is my Opinion that no pro-

visions ought to be Allowed to be Shipt off from the Plantations where they are raised to the West Indies, or any foreign parts whatsoever, till this Want be Supplyed: It will also be requisite that all the Gun Powder that can be found in your Colony except what may be absolutely necessary for your own defence, Should be Secured for His Majesty's Service, and I should think if your Honour will Employ some Merchants in your place for the purchasing of the Powder who will be able to find it out better than your own officers, it will be a most likely method of being furnished with a good Quantity of it, of which this province is almost entirely Exhausted, having sent off for the Expedition againt Louisbourg about twelve hundred barrels, and I hope that you will Consider that both the Garrison & Ships will want a considerable Supply

I am Sir,
your Honours most Obedent
humble Servt
W SHIRLEY

P. S. I must depend upon your Honours immediate sending forward by fresh Express the inclosed Pacquet for the Governr of New York.

I have to add to the above Circular Letter yt I hope our success will not make your Governmt slacken their Endeavours for raising men, wch are as much or more wanted for keeping the Possession of Louisburg agt the Enemy for a few Months, yn at first for taking it; as France will press out all her force from Europe and America to retake it instantly, if possible, before his Majy has garrisoned it with regular Troops, and the Fortifications are repaird: And I beg your honour would dispatch your Troops round as soon as possible — And yt you will not fail, at all Events, to

secure all the provisions wanting for the fleet and army, w^ch^ will come to an immense Quantity, and the want of them or of warlike Stores will prove fatal to us, in case of the landing of a Body of the Enemy, notwithstanding the Strength of our Naval force; And the General informs me y^t^ they were in daily expectation of the Arrival of 2500 Indians.

W S.

Hon^ble^ JONATHAN LAWS Esq^r^
[Indorsed] Gov^r^ Shirley's July 3^d^ 1745

GIDEON WANTON TO JONATHAN LAW.*

NEWPORT July y^e^ 5^th^ 1745

S^r^

I Recd: Yours the 25^th^ June and Laid itt before our Generall asembly but They being Just about to Rise ordered me to acquaint your Honer that they would take the matere of y^e^ Counterfitt bills Under Consideration about Calling of them In att Theire adjournment In august Next.

and I am S^r^ with Due Respect your
Honers Humble Servant
GID^N^ WANTON

[Superscribed] R 2/8 To The Hon^ble^ JONAT^N^ LAW Esq^r^
Gov^r^ of the Coloney of Conecticut
[Indorsed] Gov^r^ Wanton July 5^th^ 1745

JONATHAN LAW TO WILLIAM SHIRLEY.

MILFORD July y^e^ 6^th^ 1745

S^r^

Yesterday on the rising of our Assembly I was Informed of the arival of one Smith from Sea who had been taken by the French return^d^ home by the

* This letter bears a wax seal carrying an impression of the Wanton arms.

way of west haven and took the Evidence herein inclosd thought it needfull by an express to give you a act° of it that you may give the proper Directions to the troops that are going forth, I have not yet been Informed of ours being Saild from New London, nor Indeed of the arival of the third transport you Sent thither but hope that all are Embarked and Saild from thence before this time, yet am not without fears Least they Should fall into the hands of some of these Enemies

from your Excellencies
Very humble Servant
JONTH LAW

To WM SHIRLEY Esqr

[Indorsed] Copy of a Letter to Govr Shirley & to Coll Wadsworth July 6th 1745

JONATHAN LAW TO JAMES WADSWORTH.

MILFORD July ye 6. 1745

Sr

Majr Newton and the President went with me to west-haven Majr Newton Called upon me Early this morning much Exercised on his Pillow as well as I had been, thought it best to Send by an express to Govnr Shirley, and Mr Canfield Coming in being Desird by you to take an act° of what I found att w-haven I Concluded to take this opertunity to Send by him that if you are of the Same mind with us you may fix ye Seal and by Mr Canfield or some other Suitable person give it ye quickest Dispatch

from your faithfull friend and humble
Servant
JONTH LAW

To JAMES WADSWORTH Esqr

ROLL OF CAPT. ADONIJAH FITCH'S COMPANY.

Newlondon. A List of Capt Fitch[s] Company bound from Connecticut to Cape breton July 6 ad 1745

Adonijah Fitch Cap[t]
Ezekiel Ashly Lif[t]
John Parker Ensi[n]
John Martin Sargn[t]
Wilm Whiting Sargn[t]
Isaac Sabins Sargn[t]
Philip Judd Sargn[t]
Sam[l] Goodritch Corp[l] discharged
Dudley Woodbridge Corp[l]
Daniel Newel Corp[l] dismised
Joseph Parker Corp[l]
Ezekiel Ashley Ju[n] Clark
Oliver Clapp dromer dead: augest 30
Sam[l] Ashbur dismised
Simon Baxter dismised
James Barnet
Jabez Bingham
Elizer Braynerd dismised
James Bentley dismised
Jacob Burnham
John Blyss dismised
James Booth
John Buel
Timothy Case
Nicholis Clark dismised
Arron Church
George Chidle dismised
Nathanil Cook
Alpheses Case
John Carier
Gid[n] Commis
Noah Chuchy
Catlin dismised
John Dayley (?)
Daniel Day maid Corpel Sp[tmbr] y[e] 18
Charles Dixson dismised
Ebenezr Draike
Ritchard Dick
Duglis dismised
Joseph Eaton
Phenes Fremon
David Foot [wood
Obediah Fox went to get
John Grifing
Moses Goodritch dismised
John Garrit dismised
John Gilbos dismised
Elisha hammond
Jonathan handay dismised
John headen
Elisha hosford
peter Judson dismised
Aron Jacaway
Stephen Jillit

John Knox dismised
Josph Kneland mad Corpel Septmbr ye 18
Samwell Larons dismised
William Lord
Ezra Lommus
John Laraby
Ebenezr Lee
Ichebud maxfeld dismised
Willm Moreton [br 13
Bildad Moses dead Novem-
Beniamin Negus
Giels Nott
John Nicaneag
John Ordaway
David Owen
Jersham Orvis
Joseph preston dismised
Jabez polly
John parker
Daniel Quichick
George Reed [mised
Nathan Ritchardson dis-
Rowley dismised
Henry Scott dismised
Zackes Scott
Joseph Stewert dead octo-
ber ye 31
John Storie made dromer Spetmbr ye 18
Beniamin Stapels
Ebenezr Smith dismised
John Sparks dead Novembr
James Stimson [ye 28
B Smith dismised
Solomon Tracey
Charels Touser
David Tounsend
Jacob Totoa
Simon Toby
Samuel Tubs dismised
Joshua Unkes
Sammuel Unkes
John White dismised
William White went to get
Thomas Wiard [wood
Charels Whiting
John Wobin
Henry Woaquet dismised
George Woaquet
John Wohoppin
Ephream Wood

JEREMIAH MILLER TO JONATHAN LAW.

N. Londn July 7th 1745

Sr

I Congratulate your Honr on ye Good News from Cape Britn and am to Say that our Recruits are Imbark'd and under Sail this Morn. Yor Honr is Sen-

sable of y^e^ Great want of Fresh provision in y^e^ Army & Doubt not he will give Relief in this Article very Soon

I am Your Hon^rs^
Oblidged Hum^le^ Serv^t^
JER. MILLER

To Gov^r^ LAW

[Superscribed] To Govern^r^ LAW

[Indorsed] Doct^r^ Miller's July 7^th^ 1745

WILLIAM SHIRLEY TO JONATHAN LAW.

BOSTON July 8. 1745.

Sir,

I have your Honour's Letter of the 3^d^ Instant, and shall this Evening write to Commodore Warren for a Convoy to be sent for your 300 Voluntiers now raising, to New London, and doubt not but you will have either your own Sloop or some other Vessell of force instantly sent you; so y^t^ I hope there will be the utmost dispatch us'd in raising your 300 men.

The Rhode Island Troops are now at Nantasket, and I shall expect your 200 men daily: and am

Sir Your Honour's very
Humble servant
W SHIRLEY

The Hon^ble^ Gov^r^ LAW.

[Indorsed] Gov^r^ Shirley July 8^th^ 1745

NATHANIEL STANLY TO JONATHAN LAW.

HARTFORD July 9^th^ 1745.

*Hon^ble^ S^r^*

yours by M^r^ Hubbard I rec^d^ last night in the evening I am glad your Houn^r^ hath Stopt y^e^ Commissaries, and officers proceding In the affair of Cape

Britton for the present; the officers you^r Hon^r mention^d have not rec^d any money out of the publick Treasurey, and I suppose thear hearing this newes will prevent their Coming for any, the perticular Scircumstances Relateing to the takeing Cape Britton, I conclude your Houn^r before this time is better Ac quaint'd with than I am, I have heard, that Coñodore Warren hath Sent to His Exelency Gov^r Shirley verry pressingly to Come to him at Cape Britton, that there is a Contention arison among the Souldiers; how the plunder Shall be devided, I hear it is Said that Connecticutt Troops have not exerted themselves as they ought to have done, and that they have not bin Exposed to so great dainger as the Boston Troops have ben, and that they have lost but few men Compard with them, and Such like discorse is Said to be amongst them; and so are not willing Connecticutt forces Should Shear equally with them, it is said that In the Close of the Comadores Letter to Gov^r Shurley he writes that for Gods Sake he will Come, and be a Solloman to know how to devide the Child, I am verey Sorrey to hear, that thear is a Contention Arisen among the forces, and fear what the Issue will be; It is Said that Gov^r Shurley Saild from Boston Satterday last for Cape Britton, I shall take Care to Send to Maj^r Hamblin as your Hon^r has mention^d

I am with great Regards your Houn^rs most
Obediant Hum^ble Serv^tt
NATH^LL STANLY

P S yesterday in part, and y^e last Night ware Spent hear in rejoyceing at y^e good newes; an ox was Rosted whole, a large bonfire made, two of y^e milletarey Companeys in armes, the Cannon fiered Severall time, many Houses Illumenated and a vast

number of Spectators ware present, and all things Concluded in good order.

[Superscribed] To The Hon^ble JONATHAN LAW Esq^r Gov^r of His Majesties Colony In Connecticutt on His Majesties Service

[Indorsed] Coll^l Stanlys Letter July 9^th 1745

DANIEL EDWARDS* TO ROGER WOLCOTT.

HARTFORD July y^e 9^th 1745

S^r

All health to your Hon^r and y^e rest of our Hearoes at Louisburg, to whose Wisdom & Martial bravery under God we Asscribe y^e Glorious Success, had I been an Actor or So much as a Spectator of y^e Wondrous Scene cou'd not be at a loss for a Story worth y^e attention of Ancient or Modern hearers, but your Hon^r will not expect forreign & Surprizing occurrences from Such as pass not y^e limits of their own land.

Of y^e Wellfare of your Lady & family doubt not your more direct intelligence yet having a day or two past been there my Self may not omit to Say M^m &c are well, Save only Solicitude for your Hon^r.

Gen^ll Health and prospect of gen^ll plenty may be enumerated among y^e blessings of y^e present year.

The Progress and Success of our brave Army Ingross y^e Conversation of y^e whole Country, every Horse Man is taken for a traveller & every Traveller for a Post, and all Down to y^e most Indolent vie

*Daniel Edwards, at this time a practicing lawyer in Hartford, was a brother of Jonathan Edwards the theologian. He was graduated from Yale in 1720, was later a tutor for three and steward of the College for six years. In 1742 he removed to Hartford; was a member of the Governor's Council from 1755 until his death in 1764, was also an Assistant Judge of the Superior Court, Clerk of the same court, and Judge of Probate for the District of Hartford.—*Dexter's Yale Annals.*

with y^e^ ancient Athenians & continually y^e^ inquiry is what News from Cape Breton? And this not from common Curiosity but a Cordial Concern for y^e^ important Event; Every Successfull Step has gladn'd every heart & enliven'd every face.

But when first arrivd on last fryday eve here y^e^ Tidings Lewisburg is taken! is taken! Language fails to Discribe y^e^ Joy! Instantly shone y^e^ Town House with y^e^ houses in y^e^ body of y^e^ Town with a Surprizingly Suddain & Beautifull illumination, as tho' y^e^ Same breath y^t^ proclamd y^e^ happey News had blown up y^e^ Town into y^e^ brightest blaze; The Spreading Joy like an inundation Soon reacht y^e^ remotest parte of This & even to y^e^ Towns adjacent, whence from every quarter rush young and old and promiscusly Share y^e^ Transporting Story, and fill up y^e^ Evening with all y^e^ Tokens of Joy and Gladness which Nature or art cou'd So Suddenly Supply. And

On more certain & perticuler Advice of this Great Event & y^e^ Glorious Actions conducive to it, yester day were Mustered the Millitia of y^e^ Town, to whose assistance in y^e^ Triumphant Rejoycings of y^e^ Day were present Many Gentlemen of Distinction with a Nemerous Concourse of every age and Sex, whom to Regale together Sprightly & exhilarating Liquors, was an Ox Roasted whole on y^e^ Green in y^e^ Midst of them; And y^e^ Beat of Drums, Sound of Trumpets, Brisk & regular Discharge of Cannon & Small arms Constitute y^e^ Rejoycings of y^e^ Day: And on approach of Evening, Splendid Illuminations, Ringing of Bells and Bonfires blazing like y^e^ eruptions of Atna, with Health to our Sovreign & y^e^ most honourable Remembrance of y^e^ Bravery of our Hearoes at Louisburg beautifyd & Enlivened y^e^ Night and were but y^e^ imperfect exprestions of y^e^ overflowing Joys of every Mortal

In a Word Such a Tide of real & Unaffected Mirth & gladness Inspiring So Numerous a Concourse of every age Rank & quality, Unallayd with any ill accident or Disorderly or offensive Action our oldest men have never Seen.

Our first Recruits hope may Safe arrive ere this, And A Second Augmentation of 300 Troops More were last Wednesday ordered with all possible Dispatch to follow them but whether y^e^ Advices of y^e^ Towns Surrendry will Suspend or prevent y^e^ Inlistment or imbarkation is what may not adventure to conjecture. but tis evident y^e^ Courage & generous ardour of y^e^ Country to Support & carry on this important enterprise has increased even beyond that unprecidented freedom which first gave birth to y^e^ Undertaking, and People Seem to need no more than permission to take up arms.

Three Men, one 12 mile from fort Dummer & another at Asha Willet about & another at another place 4 or 5 Days after were Kild by y^e^ Indians a few Days past & this Colony now about to Send up 60 men to Scout with y^e^ Massachusets Men Above their frontiers, This was certainly before y^e^ Indians coud have rec^d^ y^e^ News of taking Louisburg, otherwise it Seems to be that they woud not have Adventured to Shed blood, and many accordingly hope this news may tend to restrain them from persisting in hostilitys, however tis not thot Safe to trust to this.

Cap^t^ Church & D^or^ Morrisons Familys are well, to whom with M^r^ Williams D^or^ Woolcot & y^e^ rest of our Gen^ten^ to whom I have y^e^ honour to be known may your honour pardon me in praying to be remembred.

And now may y^e^ Same good Providence which

hath hitherto preserved and Protected your valuable life amids a thousand Dangers, And rendred you Signally Subservient to y^e^ Honour and Interest of your Country in y^e^ Camp in Due time render your Safe Return to us an equall Blessing both in Court and Councel for which more Sincerely Wishes or ardently prays no Mortal Than

S^r^ your Honours
Most Obedient
Humble Servant
DANIEL EDWARDS.

To y^e^ Hon^ble^ ROGER WOOLCOT Esq^r^ Maj^r^ Gen^ll^ &c
[Superscribed] To The Hon^ble^ ROGER WOLCOT Esq^r^ Maj^r^ Generall of y^e^ English Forces at Louisburg on Cape Breton These
[Indorsed] M^r^ Daniell Edwards July 9^th^ 1745

WILLIAM SHIRLEY TO PENOBSCOT AND NORRIDGEWOCK INDIANS.

BOSTON July 12: 1745

Good Friends,

As we have agreed to give one another Advice of all that happens, I now Acquaint you that Heaven has favour'd our righteous Cause against the French who have unjustly made war upon us, and Louisbourg with the Island of Cape Breton was the 17^th^ of June last, delivered into our hands, where we have now 4000, Soldiers Masters of the place, & ten large Men of War besides many smaller Ships of War there, and We have also taken a large Man of War from the French carrying near Seventy Guns, and between five and Six hundred men besides a great Number of Merchant Vessels, and We have now brought to Boston above Seven hundred french prisoners, and above Two Thousand French prisoners at Louisbourg

and aboard our Ships of War will be sent home to France immediately, This Intelligence we Send you that you may not be deluded by the French or St Johns & Nova Scotia Indians that may Sollicit you to break your Friendship with us to your own ruin, We have been your faithful Friends, and your Traffick with us has been much more for your Advantage than your Trade with the French and you may still live easy with us, & free from the distress & danger of War if you please but if not, & you will let the French & the Indians in their Interest deceive & Seduce you & you will perfidiously break your Solemn League with us, we doubt not but the Great God who is the Avenger of all such Wickedness and has so remarkably punished our Treacherous Enemys the French will stand by us & give us Success for the punishing your perfidiousness, but if you are willing to Enjoy the Benefits of peace with us, we Shall Expect that you will Send two or three of your chief Captains to Confirm the Friendship between Us. and if any of your people stand in fear of the French and therefore want protection for themselves and their Familys and will come up to Boston, we will take care of them, I Expect that you Send me your answer without delay.

I remain your good Friend

W SHIRLEY

To the Sachem & others of the Penobscot & Norridgwalk Indians.

Copy Exam^{d} ℔ J WILLARD Secry

[Indorsed by Law] Gov^{r} Shirley to Penobscutt Indians.

JOSIAH WILLARD TO JONATHAN LAW.

Sir,

His Excellency being obliged to go out of Town in hast, has directed me to acquaint your Honour That

his Majestys Ship the Hector is now in this Harbour & will soon proceed with our Transports to Cape Breton, & to let you know if your Transports be here by the End of next Week, they will have the benefit of this Convoy.

I am likewise to inform your Honour that the Western Indians have killed two Men, one at Ashuelet & the other at the Narraganset Town Number Four; And therefore His Excellency desires that you would please to give Orders that your Soldiers designed for the Protection of our People in the County of Hampshire may repair thither without Delay. I am

Sir, Your Honours most obedient
Humble Servant
J WILLARD

BOSTON July 12. 1745.
The Hon^ble^ Governor LAWS.

[Superscribed] On His Majestys especial Service To the Hon^ble^ JONATHAN LAWS Esq^r^ Governor of the Colony of Connecticut In Milford

[Indorsed] Secr^t^ Willards July 12 1745

JONATHAN LAW TO WILLIAM SHIRLEY.

MILFORD July 16^th^ 1745

*S^r^*

This day I rec^d^ M^r^ Secr^tt^ Willards of the 12^th^ Instant and by an Express have given notice to the Com^tee^ of Warr att Hartford to observe the Orders of the Assembly in such Case provided and doubt not but Coll^l^ Stoddard will also apply to them

Yours of y^e^ 3^d^ Instant I also rec^d^ and yesterday by an Express forwarded your Paquetts to Gov^r^ Clinton

Should be glad to know what number of men y^e^ Coñadore thinks needful for Garrisoning Louisburg and w^t^ you understand our Quota to be; and whether our Troops that are there and those going thither are expected to abide there, that some Computation may be made ab^t^ the Stores necessary for them. the Maj^r^ Gen^l^ informs me, that he expects to see me in a short time as I remember the Inlistment was till the Expedition was over

Our troops were under Sail on y^e^ 7^th^ Instant and I hope will be early enough to take Benefitt by your Convoy

I now send forth a Proclamation to encourage traders to Louisburg as y^e^ Coñadore desired of me and can only assure you how much I am

S^r^ Your Excellencies
thrice humble Servant
JON^TH^ LAW

To y^e^ excellent W^M^ SHIRLEY Esq^r^

[Indorsed] Copy of a Letter to Gov^r^ Shirley July 16 1745

JONATHAN LAW TO NATHANIEL STANLY.

MILFORD July 16^th^ 1745

*S^r^*

By a Messenger I sent to Gov^r^ Shirley I rec^d^ a Let[ ] from him Dated 3^d^ Instant inclosing a Letter from Coñado[ ] Warren and a Copy of a Letter from D: of Newcastle Jan [ ] 1744-5 w^th^ Paquetts to all the Gov^rs^ so far as to Virginia w^ch^ yesterday I sent by an Express to Gov^r^ Clinton

That w^ch^ he moves for is our Quota of armd men with Provisions for at least 7 or 8 months but

dos not say how many men he thinks needfull in the whole nor whither those wch are there cant be retaind or in Addition to them so that I cant tell what he thinks needfull to secure our Possession of ye place hope ye Genls will not leave ye place till his Majties Pleasure be known or ye place be sufficiently secured I have askd ye favour of Govr Clinton to inform me wt yr Assembly will do and ye other Southern Govts and propose to write tomorrow to Govr Shirley for a better Understanding of what ye Comadore desires with respect to the Number he would have for Garrisoning and I this day recd a Letter from Mr Secrtt Willard a Copy of which I herewith inclose. I conclude that Coll Stoddard will send to you if danger be apprehended in that Quarter you know the authority given the Comtee which is left to your Discretion and doubt not of your Constand (?) prudence in that matter and will act safely. I propose to send forth a Proclamation tomorrow for Encouragement of Merchts & others to trade to Louisburg as ye Comadore has desird please to send me ye Copy of my Letter to Govr Shirley by Mr Farrand wth your Advice on ye present Circumstan[ ] I expected Mr Sylliman for Orders for money for ye Comries to provide for ye Troops that are gone but know not the Reason of his Delay, indeed its attended with uncertainty The Majr Genl having signifyd to me that he hopes to see in a short time

I remain your faithfull
friend and humble Servant
JONTH LAW

To Nathl Stanley Esqr

[Indorsed] Copy of a Letter to Coll Stanley & Comtee July 16th 1745

WILLIAM SHIRLEY TO JONATHAN LAW.

BOSTON July. 16. 1745.

Sir,

I have received your Letter of the Tenth instant and am something surprized that you should apprehend the raising the Soldiers for Louisburg is unnecessary because the Place is surrendered; If care be not taken to preserve it, our Pains & Cost in reducing it will be worse than lost, And we must needs think that many of the Soldiers that have endured such Labours and Hardships in the Siege will be desirous of being dismissed; for this very reason in my circular Letter to the Governours I urged the raising of men for the garrisoning of that Place, and I have already sent about two hundred men from hence, since I have had the Advice of the Surrender of it, & hope to send off as many more within a few days, besides about four hundred men that went from this Province about a Week before we had the News of the Surrender. Therefore I must earnestly desire you to give speedy Orders for the raising the three Hundred men you mention for the Defence of the Place against any sudden Attack in the first place, or if there should be none for the relief of others now at Cape Breton, that they may be sent without Delay.

I am Sir
Your Honour's most obedient,
Humble Servant
W SHIRLEY

The Hon^ble^ Gov^r^ LAW

[Indorsed] Gov^r^ Shirley July 16 1745

ELIAKIM PALMER TO JONATHAN LAW

LONDON 17th July 1745

Sir

This accompanys Coppy of my last to you which I now confirm, and at the same time have the honour and pleasure of Acquainting you that the Petition of Mr Samuel Clark to his Majesty in Councill for leave to Appeal from the Judgment of your Courts pursuant to the Order of Councill in the Year 1727 having been read before a Committee of Councill & the Case learnedly Argu'd by his Majesties Attorney & Solicitor Generall in behalf of the Province & Mr Thomas Towsey (the Respondent) was order'd to be Dismiss'd, although great Stress was laid on the precedent of Winthrope & Lechmere, and as there will not be time to procure a Coppy of the Order before the sailing of this Ship wch goes by way of New York I must defer sending it till an Oportunity offers thro: Boston wch will be in a few Days.

Wee daily expect to hear that our Brave Americans have succeeded in their Expedition against Cape Breton by wch undertaking they have acquird the greatest Honour, and as I'm informed by other Hands that the Colony of Connecticut have been greatly assisting therein I hope when I have their Instructions to apply for it I shall have no Difficulty in procuring a Reimbursement of the heavy Charges wch must necessarily have attended such an Affair. I hope soon to be honour'd wth Letters from the Colony (it being almost two Years since my receipt of their last) & beg Leave to subscribe myself Yours & their

Most Faithfull
& Obedt humle Servt
ELIAKM PALMER

P S. I should have acquainted the Colony that

I have not yet been able to recover from the Extrs of Mr Wilks their late Agent the Ballance due to the Colony on Acctt of a Difference subsisting between them & said Wilks's partners but hope soon to have the Acctt Delivered me and in the meantime hope it will be thot necessary To have a sum of Money lodg'd in Engd for the service of ye Colony

To the Honble Jona Law Esqr

[Indorsed] Agents Letter July 17 1745

JOHN CATHERWOOD TO JONATHAN LAW

Sir

Commodore Warrens Dispatches arrived by your Express at a time His Excellency was in a fitt of the Ague in Bed, very violent upon him, & commissions me to acknowledge the Rect of one to himself as also Dispatches to Govr Morris, D Govr Thomas & Gooch which I shall immediatly forward

I am Sir

Your most Humble

& most obedt Servant

JNo CATHERWOOD Secry.

New York 17 July 1745

The Honble Jonn Law Esqr

[Indorsed] Letter from Secry N York July 17th 1745

JONATHAN LAW TO GEORGE CLINTON.

Milford July 18 1745

Sr

last night I recd an Acct of the Resignation of Louisburgh but dared not to give your Excellency an acct of it because ye like good Newes I sent you sometime since provd a Mistake but now its beyond all Question and I herewith inclose to you Govr Shirleys Paquett and doubt not but it contains as full

and authentick Acc^{ts} of that matter as that which I have rec^{d}

I would also give you y^{e} Relation I took last fryday about a french fleet under y^{e} Oaths of y^{e} Master and Mate att N Haven w^{ch} I sent on y^{e} next day to Gov^{r} Shirley and for that end I now inclose it to you.

I would also inform you again that young Boyce and Hurlburt remain safe in our Goal att N. Haven and one more concernd in putting off some of y^{e} money has been comitted & is baild. the two Rhode-island plates and y^{e} N York 20^{s} plate not fully compleated remain in safe keeping I have rec^{d} y^{e} Examination of the Prisoners by the Justices where one of them confessd and accused 22 persons as confederate and mainly in your Gov^{t} but have not time to send Copies. I sent Gentlemen to take y^{e} Accusers Oath in Order to comply with y^{e} Opinion of your Council, but the penitent palliated y^{e} matter so that he was not admitted for an Evidence. Our chief Justices are in doubt whether y^{e} Matters of fact comitted in your Gov^{t} can be tryd here, so crave your Advice whether they shall be sent for Tryal in your Courts. but I must not enlarge least I should Delay you of a Minute of this happy Intelligence w^{ch} will rejoyce your Excellencies heart as it has mine. only I must let you know that our Assembly have consented to send 300 men more if wanted

I am S^{r} refreshed with this good
News and remain your
humble Servant
J LAW

To GEORGE CLINTON Esq^{r}

[Indorsed] Copy of a Letter to Gov^{r} Clinton July 1745

ROGER WOLCOTT TO JONATHAN LAW.

NEW LONDON July 19th 1745

Sr

I wrote to your Honr by Miles and by Bennett after the City was taken which I hope Came safe to hand: yesterday at sunsett I Arrivd here and brought with mee from Louisborgh about 77 men Mostly Invalids the business at Louisbourg is sending away the prisoners to France for which purpoſs Mumford Coitt and Robbins are imployed They are also repairing of the walls and houses Colle Bur Expects to follow me in a short time with a number more of our forces I am in a very Low state of Health and have suffered much pain Especially since the City was taken But hope thro Divine Goodness to recover and have an oportunity to waitt upon you It was a very stife hard service the success makes us forget all I am your Honr

Most obliged
very Humble servt
ROGER WOLCOTT

[Superscribed] To The Honable JONATHAN LAW Esqr
In Milford

[Indorsed] Dep. Govr July 19th 1745

JOSIAH WILLARD TO JONATHAN LAW.

Sir,

I am directed by the Governor of this Province to desire your Honour to forward the enclosed to New York by Express as soon as may be; We have paid the Charge so far as Connecticut

Your Honrs humble Servt
J WILLARD

BOSTON July 20. 1745.

REPORT OF COMMITTEE OF MASSACHUSETTS GENERAL COURT.

The Committee to whom was referr'd that part of His Excellency's Speech which relates to the Expedition, having maturely Considered the same, are humbly of Opinion & make report.

That it is of great Importance that the Damage done by the Army to the Fortifications and other Buildings in the City and Harbour of Louisbourg be immediately repaired, and that it is absolutely necessary that a Competent Number of the Forces be Supplyed with Sufficient Provisions and warlike Stores until His Majesty's pleasure can be known.

That it is Incumbent upon and for the Honour & Interest of this Government to Continue to Advance such Sums as may be requisite for Securing and maintaining for His Majesty this invaluable Acquisition. And that therefore the Committee of War be directed to provide all necessary Materials for effecting the aforesaid Repairs and cause the same with all convenient Speed to be Transported to the General at Louisbourg, and that they likewise Furnish him with the sum of Two Thousand Pounds in bills of Credit of this Province to be paid by such persons as he shall Appoint to the Workmen Employed in said Repairs the said persons to be accountable for the same.

And with respect to the Warlike Stores and provisions the Committee report that a large Quantity of Powder & other Stores has been sent from this Government which was not arrived at the time of the Surrender of the place & that the present Circumstances of this Province will not admit of any further Considerable Quantity of Powder being sent from hence until a further Supply shall Arrive.

That a large Quantity of Provisions also has lately

been Transported to Louisbourg but as a considerable part of the Armys Stock must have been Employed for the Transportation of the French Inhabitants to France, The Committee are therefore of opinion that a further Supply may be necessary, and that the Committee of War be directed to procure such a quantity of each Species as with what is already provided shall be Sufficient in their Judgments to Subsist such a part of the Garrison Sent from this province as shall be Judged necessary to remain there for three months from this time.

And as the Army is in great want of Cloathing, the Committee likewise report, that the Said Committee of War be directed to make further provision in this regard and cause that the Army be Supplied on the most reasonable Terms.

The Committee further report, that the Committee of War be Enabled and directed to pay one Months Wages to the Order of each of the Officers and Soldiers of the first Enlistment Sent from this province and who are Sui juris, and to Masters and Parents of each of those who are Servants or under age upon its appearing to said Committee of War by certificate from the Commissary of Each Regiment and the General Commissary that such Officer & Soldier has one Months pay remaining due over and above What he has yet received or taken up, and that Letters be Sent to the Governments of Connecticut & New Hampshire Acquainting them with the Resolutions of this Court that they may also Provide for their Proportion of the Forces as they see cause.

By Order of the Committee

J OSBORNE

In the House of Represent^ves July 20: 1745.

Read & Accepted, Also Voted that a Congratulatory Address be prepared to be presented to His

Most Excellent Majesty upon this Acquisition to His Majestys Dominions. Also a Petition to His Majesty for Relief under the heavy burthen occasioned by the Said Expedition. And the Committee of War are directed to prepare the Address and Petition accordingly.

Sent up for Concurrence.

T CUSHING Spk^r

In Council July 20: 1745.

Read & Concurr'd J WILLARD Secry

Consented to, W SHIRLEY

Copy examined ℔ J WILLARD Secry

[Indorsed] Report upon the Gov^rs Speech att Boston July 1745

WILLIAM SHIRLEY TO JOHN BRADBURY.

BOSTON July 22^d 1745.

Sir

I have receed your Letter of the 16^th Instant July giving me an account of the assault committed by the Indians upon your Fort and other places near you M^r Miliken tells me that you are positive that you Saw some of the Penobscutt Indians among the Assailants & particularly that you saw one of those that had been in under a pretence of Friendship to Inform you of these Designs. By your Letter you seem to apprehend that the penobscutt Indians are generally in these acts of Hostility. However I think it will be best that if any of the said Penobscott Tribe shall appear near the Fort that you hoist a Flag of Truce to call them in to an Interview with you and. if you can obtain any Speech with them I would have you read my Letter to 'em which I sent by M^r Miliken and also tell them that I am Informed

of this Violation of Treaty and that if the body of the penobscutts are engaged with our Enemies I shall immediately Declare War and pursue them with all the Resentment which so horrid an act of Treachery & Wickedness Deserves, but if they profess that the Body of the Tribe are against these proceedings and are Disposed to peace I expect and insist upon this proof of their Sincerity that they deliver up those of their people as have been in arms against us and have Joyned with the party of Indians who have assaulted us and that you will give them the space of Seven Days only for their either delivering up these murtherers or giving five Hostages of some of their principal men to Secure the Delivery of the Said Indians in the Space of Seven Days more

I am Sir your Friend & Servant

W SHIRLEY

P. S. Give me a full account of these affairs with all possible dispach

To Cap^{t} JABEZ BRADBURY

Copy exam^{d}. J WILLARD Secry

[Indorsed] Shirley to Bradbury

ANDREW BURR TO JONATHAN LAW.

LOUISBOURG July 23^{d}: 1745

Much Honrd S^{r}

This waits upon y^{r} Hon^{r} to acquaint you that the two Companies Raised in Connecticut are arived safe at Louisbourg and one hundred & fifty men with proper officers from Rhode Island and according to their assemblys desire are Joyned to my Regiment

I designed upon their arival to have Come home my self and have had two hundred of y^{e} Troops under my Command to have been Released. we hav-

ing but two Transports I agreed with Cap^{t} Cooper to Cary our Indians (which were very uneasy) and Cap^{t} Lee Cap^{t} Church & some others that were urgent to go home and have agreed to Give him ninety pounds to bring forty five of them to New london which I hope y^{e} Government will pay — y^{r} Hon^{r} doubtless has heard that three of our Transports were taken into the Kings pay y^{e} 24th of June Last and are Gone to France to Carry Prisoners — Cap^{t} Woster is since Gone in a snow belonging to y^{e} Army, for y^{e} same purpose. the french are most of them transported to France & Boston. as to y^{e} Number of Troops that are to keep Garrison here y^{e} General and Council of warr here will not as yet determine. but wait for the Coming of Gov^{r} Shirley or advice from him

Those men that have been in the army from the begining y^{e} most of them Insist upon Returning home according to y^{e} act of assembly & Proclamation they are almost Naked for want of Clothing. as for those that Came last I Cannot Tell how many of them are willing to stay over y^{e} winter. So that upon the whole I believe it will be absolutely necessary that if the assembly have not Impowred any Councel of Warr or Com^{tee} with power to send troops & provisions to this place to Relieve those that are here. it will be absolutely necessary to Call an assembly for that purpose — The season of the year will not admit of much delay in this Matter. I trust that in a few days I shall be able to write to y^{r} Hon^{r} what number from Connecticut will be necessary to Tarry here all winter, or Come home myself to acquaint y^{r} Hon^{r} with it. thô I am doubtfull whether I shall Return till Gov^{r} Sherly Comes, or here from him. This day two of our ships Took a french ship

in sight of the Harbour but are not yet Come in, so that I Cannot Give you any further account of it. Capt Church will Give your Honr a further and more particular accnt of ye army and Circumstances thereof than I Can at present write to you: some of our officers are willing to Raise Recrits and to return again to Louisbourg provided they Can have higher Commissions, particularly Lt Beadle & Ensn Whiting and Lt Smithson. I shall always be ready to Receive yr Honrs Commands & acquaint your Honr with every thing that Concerns our Government while I Tarry here, & shall Conclude with wishing Health & Prosperity to yr Honr & Gentln of the Assembly—

I am yr Honrs Most
Obedient Humle Servt,
ANDW BURR

P: S I Trust ye General and Commodore will not Release our two vessels as yet seeing we have but two Transports in the Government pay

[Superscribed] To The Honble Jonathan Law Esqr Governour of Connecticut att Milford ℔ Capt Church

[Indorsed] Coll Burrs Letter Augst 11 1745 recd

PETER WARREN TO JONATHAN LAW.

Lewisbourg July 25. 1745

Sir

I have the pleasure to tell you, that Two of my Squadron, have taken a Rich East India Ship, and that we propose to sell her Cargo here, if the Merchants will come from the Collonys to purchase it.

Herewith I Inclose you an Advertisement, which I desire you will get Printed, and distributed about your Governmt; in order to the peoples being here in time, as the Season is now far advanc'd.

I am in daily expectation of the Provisions and Men, that I wrote to you for; for the Protection of this Important Garrison.

I am with Great Regard Sir
Yr Most Obedient
humble Servant
P WARREN

His Excellv the Govr of Connecticut

PETER WARREN'S PROCLAMATION.

LOUISBOURG July 25th: 1745

Whereas a very valuable French East India Ship from Bengal, called the Charmont, was lately taken by two of his Majesty's Ships of Commodore Warren's Squadron, and is brought into this port, having on board a large Quantity of Muslins of various Sorts, plain and embroidered, and all other Sorts of Cottons, a large Quantity of Handkerchiefs of various Sorts for men and women plain and embroidered, Seersuccers, a large Quantity of raw Silk, and Kirman Wool, Table Linnen, a large Quantity of pepper, and a variety of other valuable Merchandize yet unknown. This is to notify all persons inclining to purchase any of said Goods, that the above mentioned Ship and Cargo will be condemned in this port, and the Sale of said Cargo will begin in about a Month from this Date.

P WARREN

JABEZ BRADBURY TO WILLIAM SHIRLEY.

GEORGES July 29th 1745

May it Please your Excellency —

The third day of our being Attackt by the Indians, and before I recd your Excys Orders for So do-

ing being desireous of Knowing who of the Penobscotts were amongst our Enemys, I put up a Flägg of Truce, one of the Indians came in, Capt Bane and I went out to the others who were thirty five in Number many more being up the River, at the Same time, burning Houses and Killing Cattle whom we Saw not. Amongst those we Saw were nine Penobscotts, the Chief of whom were Sebohooset, one called Rich Outrea & Paternion men well known here. I Read y^r^ Excellencys Letter to them thrice that they might fully understand it They sayd it came too late and added that we had broak the peace by refusing them Powder at the Truck Houses, and the taking a S^t^ Johns Indian Last fall the Man mentioned in my Last Letter they Killed and Scalp't. We brought him in and buried him, and I hear that a Dutchman at Broad Bay was killed and Scalp't by the Indians about the Same time they were here.

Its now more than ten days Since we Saw them, where they are I know not, but Suppose they are preparing for more mischief, and Expect Soon to See them here. I hope y^r^ Ex^cy^ will Send Seven men to fill up the Company, and also Increase the Number if it may be thought best.

I am y^r^ Excellencys most obed^t^
humble Serv^t^.

JABEZ BRADBURY

His Excellency Governour SHIRLEY

Copy examined ℔ J WILLARD Secry.

JOHN SHARPE'S BILL.

Eliakim Palmer Esq Dr to Mr Sharpe

Towsey ads Clarke

Hillary 1742

11 Janry	Attending Mr Palmer herein	0	6	8
	Retainer to Attorney General	2	4	6
	Attending him	0	6	8
	Like to Sollicitor General	2	4	6
	Attending him	0	6	8
	Attending Entring Appearance	0	13	4
	Paid fee thereon	1	1	0
	Attending bespeaking Copy Clarke's Petition and Discoursing the Clerk herein	0	13	4
	Paid for it	2	2	0
	Attending procuring it &c.	0	13	4
	Copy for You of Clarkes Petition	0	7	6
	A Second Copy hereof	0	7	6
1743-5 July	Attending on their Motion for a day	0	13	4
6	Like	0	13	4
7	Like	0	13	4
12	Attending Searching for finding out and bespeaking of the following Papers Vizt	0	13	4
	Clarke's Petition in 1737 for Leave to Appeal from Probates paid for Copy	1	1	0
	Order of Referrence hereon	0	10	6
	Report	1	1	0
	Order Confirming it	1	1	0

1743.12th July	Petition for Leave to Appeal in Ejectm[t] Cause	1	1	0
	Order Referrence thereon	0	10	6
	Report	1	1	0
	Order Confirming it	1	1	0
	Security Bond	0	10	6
	Petition of Appeale	1	1	0
	Order Referring it	0	10	6
	Order of Committee Appointing a day	0	10	6
28 July	Attending M[r] Palmer	0	6	8
27th Oct[r]	Attending M[r] Palmer	0	6	8
	For Perusing all the Papers herein & Drawing Breat	10	10	0
	1 Copy fol 13	1	12	6
	2 More Copies	3	5	0
	2 Copies Petition to Annex	0	15	0
11 March	Attending M[r] Palmer	0	6	8
	For Perusing & Considering the New Presidents delivered me by You &c	0	10	6
24 April	Attending Motion	0	13	4
11 Dec[r]	Attending Motion	0	13	4
18 April	Attending Motion	0	13	4
6 May	Like Attendance	0	13	4
7	Like	0	13	4
10	Attending Council Office	0	13	4
15	Like	0	13	4
16	Attending Motion	0	13	4
18	Like	0	13	4
23	Like	0	13	4
25	Like	0	13	4
11 June	Like	0	13	4
14	Attending Council Office herein to fix day	0	13	4

1743.20 June	Attending Council Office	0	13	4
24	Attending Motion	0	14	3
	Notice Motion Copy & Service to dismiss	0	5	4
27	Attending Entring it	0	13	4
28	Attending Motion	0	13	4
29	Like on our Motion to dismiss	0	13	4
	Attending their Motion for a day	0	13	4
	Instructing self to move and defend	1	1	0
	Paid Fee Order for a day	2	2	6
	Attending Drawing up this Order	0	13	4
	Attending Getting Signed and Sealed	0	13	4
	Attending Searching for Presidents	0	13	4
	The like for Instructions &c for regulating Appeals and procuring Copy	0	13	4
	Paid Fees hereon	1	1	0
	To M^{r} Att^{ey} Gen^{l} with Breat Clerk and Man	10	17	6
29 June	Attending to Instruct him often	0	13	4
	To M^{r} Soll^{r} Gen^{l} with Breat Clerk and Man	10	17	6
	Attending Instructing him often	0	13	4
	For Perusing all the Papers & Instructing self therein to attend the hearing &c.	2	2	0

1743. 1 July		Attending Mr Palmer	0	6	8
		Attending Comee taking out Sumons	0	13	4
	1	Paid for it	0	16	8
		Copy and Service	0	4	4
	2	Attending Council Office finding Committee putt off and taking out New Sumons	0	13	4
		Paid for it	0	16	8
		Copy and Service	0	4	4
		Attending Council hereon	0	6	8
	3	Attending Council Office to see if Comee stood and taking out new Sumons	0	13	4
		Copy and Service	0	4	4
		Paid for it	0	16	8
	4	Attending hearing	2	2	0
		Paid Fees	1	11	6
		Attending Drawing up Report	0	13	4
		Paid Fee thereon	1	10	0
		Attending Entring in Paper of Council Business	0	13	4
		Attending Council when Confirmed	0	13	4
		Attending Drawing up Order	0	13	4
		Attending Getting Signed & Sealed & taking out	0	13	4
		Paid for it	3	12	6
		Close Copy	0	2	0
		Coach Partridge Incident Expence thro' out	1	1	0
			105	15	0

1st July 1745	Receed of You on Acct as p Rect	52 10 0
	Remains due	53 5 0

Receed this 31 of July 1745: of Eliakim Palmer Esq the full Contents of this Bill

Jno: Sharpe

[Indorsed] Mr Sharpes Bill of Costs to Mr Palmer in the Cause of Clarke agt Towsey } 1745

NOTE.

The Journal of ROGER WOLCOTT at the Siege of Louisbourg, extending from May 30, to July 30, 1745, is printed in the first volume of the Collections of the Connecticut Historical Society.

ERRATA.

Page 49. For JONATHAN LORD read JONATHAN LAW.
Pages 67, 71, 78. For BOURRYAN read BOURRYAU
Page 349. For JOHN BRADBURY read JABEZ BRADBURY.

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